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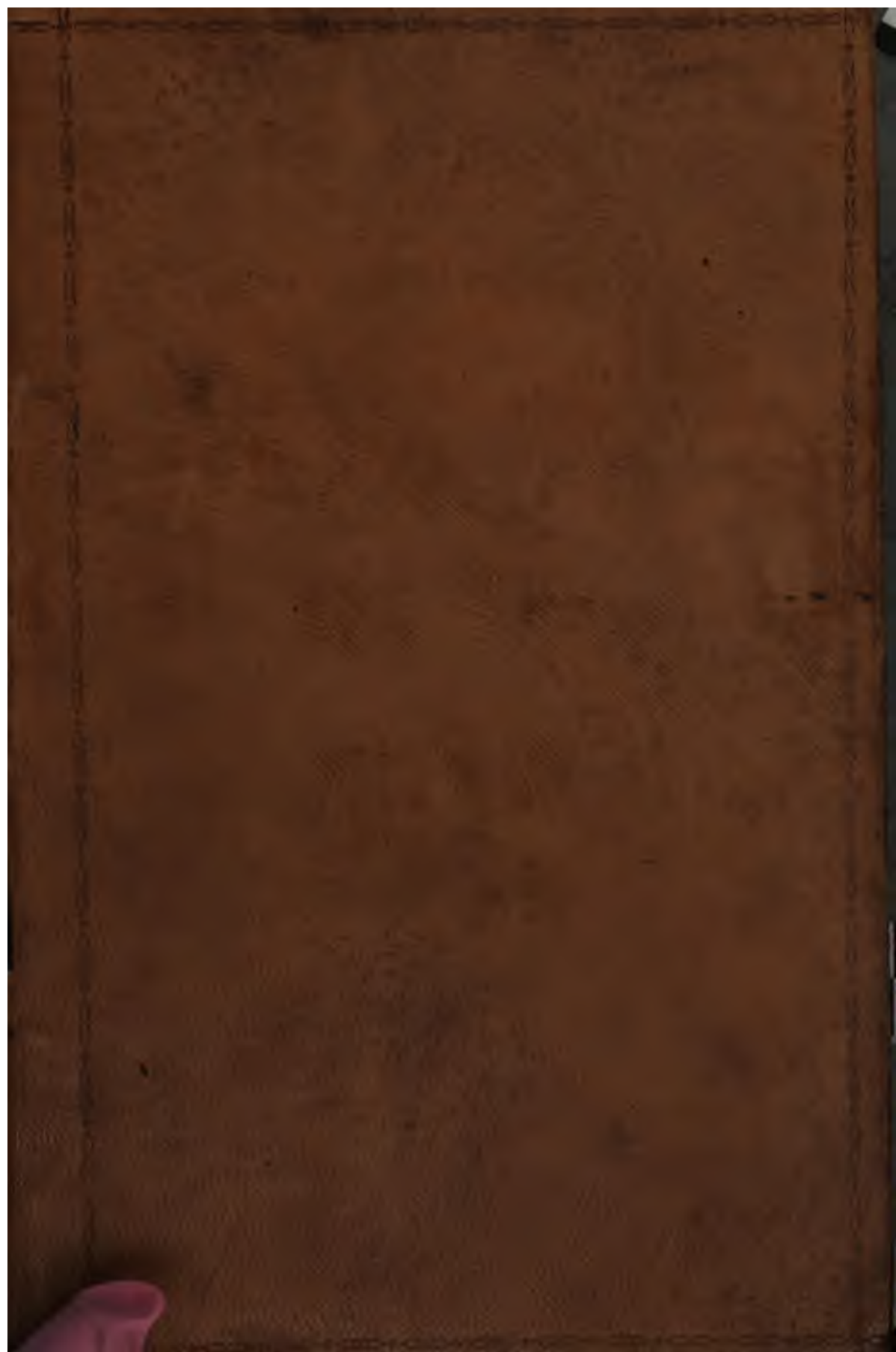
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TO



## EXECUTIVE DOCUMENTS,

PRINTED BY ORDER OF

THE SENATE OF THE UNITED STATES,

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IN THIRTEEN VOLUMES.

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Communicating the report of a board of officers of the army appointed to examine and report upon claims for funds advanced, and subsistence and supplies furnished or taken for the use of Frémont's California battalion while engaged in the public service.....	8	49	1
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REPORT  
OF  
THE SECRETARY OF WAR,

COMMUNICATING

*An abstract of the returns of the militia of all the States and Territories, with their arms, accoutrements, and ammunition.*

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FEBRUARY 8, 1854.—Ordered to lie on the table and be printed.

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WAR DEPARTMENT,  
*Washington, February 6, 1854.*

SIR: In compliance with "An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States," approved March 2, 1803, I have the honor to lay before Congress an abstract of the returns of the militia of all the States and Territories, with their arms, accoutrements and ammunition, taken from the latest returns that have been received by this department.

Very respectfully, your obedient servant,

JEFFN. DAVIS,  
*Secretary of War.*

HON. D. R. ATCHISON,  
*President of the Senate.*

*Abstract of the general annual return of the militia of the United States by States and Territories, according to the act of March, 1803, for the year 1853.*

S. Doc. 30.

States and Territories.	RETURNS.		INFANTRY.							Total.
	For what year received.	Date.	Number of divisions.	Number of brigades.	Number of regiments.	Number of battalions.	Number of companies.	Commissioned officers, including general, division, brigade, &c.	Non-commissioned officers, musicians, privates, &c.	
Maine.....	1853	December 25.....	.....	.....	.....	.....	.....	1	55,712	55,713
New Hampshire.....	1853	June 14.....	.....	.....	.....	.....	.....	1,251	29,608	30,919
Massachusetts.....	1853	December 10.....	3	6	9	3	70	464	137,599	138,063
Vermont.....	1843	January 1, 1844.....	3	9	28	.....	264	885	19,269	20,154
Rhode Island.....	1853	December 28.....	.....	.....	.....	.....	.....	47	15,405	15,452
Connecticut.....	1853	December 22.....	1	2	8	.....	48	180	60,150	60,330
New York.....	1853	January 2, 1854.....	.....	.....	.....	.....	.....	.....	.....	.....
New Jersey.....	1852	October 7.....	4	.....	.....	.....	.....	.....	.....	.....
Pennsylvania.....	1852	January, 1853.....	.....	.....	.....	.....	.....	212	12,938	81,988
Delaware.....	1827	.....	1	3	10	.....	.....	.....	.....	13,150
Maryland.....	1838	January 15, 1839.....	5	16	50	106	480	371	7,861	8,232
Virginia.....	1853	September 30.....	5	27	185	.....	1,361	1,915	40,037	41,952
North Carolina.....	1845	February 13, 1846.....	9	19	95	147	812	5,917	109,813	115,730
South Carolina.....	1848	February 3, 1849.....	5	10	46	93	417	4,080	72,863	76,943
Georgia.....	1850	February 18, 1851.....	13	25	104	208	1,040	2,116	47,371	49,487
Florida.....	1845	October 10.....	.....	.....	.....	.....	.....	4,954	72,254	77,208
Alabama.....	1851	November 4.....	10	22	100	200	600	528	10,349	10,877
Louisiana.....	1851	February 12, 1852.....	.....	.....	.....	.....	.....	2,749	72,600	75,349
Mississippi.....	1838	June 6.....	5	10	56	112	.....	1,195	50,890	52,085
Tennessee.....	1840	February 13, 1841.....	4	22	152	.....	.....	810	67,645	71,252
Kentucky.....	1852	December 25.....	14	29	143	286	1,128	3,607	81,533	86,270

Ocho.....	1845	January 26, 1846.....	23	70	7	10	104	707	153,416	154,123
Michigan.....	1839	December 1.....	9	21	48	3	590	2,589	59,759	62,349
Indiana.....	1839	January 4, 1833.....	9	23	79	158	734	2,573	46,159	48,733
Illinois.....	1851	December 29.....	6	24	100	206	1,064	4,618	165,741	170,359
Wisconsin.....	1853	January 8, 1854.....	5	10	29	11	379	416	45,978	46,394
Iowa.....										
Missouri.....	1844	January 7, 1845.....	15	30	100	200	960	3,819	55,181	59,000
Arkansas.....	1843	January 15, 1844.....	2	8	45	90	250	1,097	16,922	17,019
Texas.....	1847	November 22.....	5	10	40	92	312	1,244	18,452	19,696
California.....	1853	November 14.....						21	201,379	201,400
Minnesota.....	1851	August 16.....	1	1				7	1,996	2,003
Minnesota Territory.....										
Oregon Territory.....										
Washington Territory.....										
Territory of Utah.....	1853	October 22.....						151	1,593	1,744
Territory of New Mexico.....										
District of Columbia.....	1852	December 24.....	1	2	6	12	48	183	7,692	7,875
Grand aggregate.....			158	401	1,453	2,023	10,685	53,444	1,737,225	1,872,653

## Abstract of the general annual return of the militia of the United States—Continued.

States and Territories.	RETURNS.		CAVALRY.								ARTILLERY.							
	For what year received.	Date.	Number of divisions.	Number of brigades.	Number of regiments.	Number of battalions.	Number of companies.	Commissioned officers.	Non-commissioned officers, privates, &c.	Total.	Number of divisions.	Number of brigades.	Number of regiments.	Number of battalions.	Number of companies.	Commissioned officers.	Non-commissioned officers, privates, &c.	Total.
Maine .....	1853	December 25....	.....	.....	.....	.....	.....	.....	316	316	.....	.....	.....	.....	.....	.....	1,578	1,578
New Hampshire .....	1853	June 14.....	.....	.....	.....	.....	.....	.....	334	363	.....	.....	5	.....	26	167	1,630	1,797
Massachusetts .....	1853	December 10....	.....	.....	.....	1	5	29	334	363	.....	.....	.....	.....	.....	53	773	896
Vermont.....	1843	January 1, 1844.	.....	.....	.....	.....	.....	45	545	590	.....	.....	.....	.....	.....	54	406	460
Rhode Island.....	1853	December 28....	.....	.....	.....	.....	.....	10	50	60	.....	.....	.....	.....	.....	28	191	219
Connecticut.....	1853	December 22....	.....	.....	.....	.....	.....	5	26	31	.....	.....	.....	.....	.....	.....	.....	.....
New York.....	1853	January 2, 1854.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Jersey.....	1852	October 7.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pennsylvania.....	1852	January, 1853..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Delaware.....	1827	.....	.....	.....	.....	.....	.....	32	234	266	.....	.....	.....	.....	.....	12	176	198
Maryland.....	1838	January 15, 1839	.....	14	.....	28	60	328	2,266	2,594	.....	1	2	3	33	104	1,536	1,640
Virginia.....	1853	September 30..	.....	.....	5	.....	92	435	5,940	6,375	.....	.....	5	.....	50	236	2,876	3,112
North Carolina.....	1845	Feb'y 13, 1846..	.....	.....	5	.....	12	63	748	811	.....	.....	.....	.....	.....	.....	.....	.....
South Carolina.....	1848	Feb'y 3, 1849..	.....	4	8	.....	.....	299	2,656	2,955	.....	.....	1	2	17	76	991	1,067
Georgia.....	1850	Feb'y 18, 1851..	.....	.....	.....	.....	.....	44	575	619	.....	.....	.....	.....	.....	.....	.....	.....
Florida.....	1845	October 10.....	.....	.....	.....	.....	10	40	500	540	.....	.....	.....	.....	3	12	153	165
Alabama.....	1851	November 4.....	.....	.....	.....	.....	.....	80	1,120	1,200	.....	.....	.....	.....	.....	3	110	113
Louisiana.....	1851	Feb'y 12, 1852..	.....	.....	.....	.....	.....	16	176	192	.....	.....	.....	.....	.....	45	581	626
Mississippi.....	1838	June 6.....	.....	.....	.....	.....	.....	15	.....	15	.....	.....	.....	.....	.....	.....	.....	.....
Tennessee.....	1840	Feb'y 13, 1841..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kentucky.....	1852	December 25....	.....	.....	.....	.....	11	45	814	859	.....	.....	.....	.....	13	52	975	1,027
Ohio.....	1845	January 26, 1846	.....	.....	3	24	86	441	4,386	4,827	.....	.....	1	3	38	121	1,946	2,067

Michigan.....	1852	December 1.....	13	58	697	755	11	44	550	504
Indiana.....	1832	January 4, 1833.	106	1,681	1,787	60	680			
Illinois.....	1851	December 29.....	3	42	45	3	42	45		
Wisconsin.....	1853	January 8, 1854.	20	80	1,420	5	20	480	500	
Iowa.....	1844	January 7, 1845.	3	9	49	58				
Missouri.....	1843	January 15, 1844	1	4	66	70				
Arkansas.....	1847	November 22.....								
Texas.....	1853	November 14.....								
California.....	1853	November 14.....								
Minnesota Territory	1851	August 16.....								
Oregon Territory.....										
Washington Territory..										
Territory of Utah.....	1853	October 28.....	127	877	1,004	7	66	73		
Territory of New Mexico			5	5	5	5				
District of Columbia....	1852	December 24.....								
Grand aggregate.....			18	21	53	313	2,319	25,518	27,837	1,102
									15,630	16,782

\* Separate arms of service not reported.



*Abstract of the general annual return of the militia of the United States—Continued.*

States and Territories.	RETURNS.		RIFLEMEN.							Aggregate.	
	For what year received.	Date.	Number of divisions.	Number of brigades.	Number of regiments.	Number of battalions.	Number of companies.	Commissioned officers.	Non-commissioned officers, musicians, privates, &c.		Total.
Maine.....	1853	December 25.....	.....	.....	.....	.....	.....	.....	763	763	55,713
New Hampshire.....	1853	June 14.....	.....	.....	.....	.....	.....	.....	209	233	33,576
Massachusetts.....	1853	December 10.....	.....	.....	.....	2	4	24	2,240	2,345	140,456
Vermont.....	1843	January 1, 1844.....	.....	.....	.....	.....	.....	105	2,240	2,345	23,915
Rhode Island.....	1853	December 28.....	.....	.....	.....	.....	.....	40	224	264	15,972
Connecticut.....	1853	December 22.....	.....	.....	.....	.....	.....	.....	.....	.....	60,844
New York.....	1853	January 2, 1854.....	.....	.....	.....	.....	.....	.....	.....	.....	311,313
New Jersey.....	1852	October 7.....	.....	.....	.....	.....	.....	.....	.....	.....	81,984
Pennsylvania.....	1852	January, 1853.....	.....	.....	.....	.....	.....	.....	.....	.....	13,150
Delaware.....	1827	.....	.....	.....	.....	.....	.....	.....	.....	.....	9,229
Maryland.....	1838	January 15, 1839.....	.....	.....	2	4	75	50	628	678	46,864
Virginia.....	1853	September 30.....	.....	.....	.....	.....	.....	.....	.....	.....	125,217
North Carolina.....	1845	February 13, 1846.....	.....	.....	.....	.....	31	124	1,570	1,694	79,448
South Carolina.....	1848	February 3, 1849.....	.....	.....	.....	.....	25	100	1,600	1,700	55,909
Georgia.....	1850	February 18, 1851.....	.....	.....	.....	.....	.....	52	820	872	78,699
Florida.....	1845	October 10.....	.....	.....	.....	.....	10	40	500	540	12,123
Alabama.....	1851	November 4.....	.....	.....	.....	.....	.....	.....	.....	.....	76,663
Louisiana.....	1851	February 12, 1852.....	.....	.....	.....	.....	.....	18	309	327	53,230
Mississippi.....	1838	June 6.....	.....	.....	.....	.....	.....	.....	.....	.....	36,054
Tennessee.....	1840	February 13, 1841.....	.....	.....	.....	.....	.....	.....	.....	.....	71,253
Kentucky.....	1852	December 25.....	.....	.....	.....	.....	9	36	666	702	83,853
Ohio.....	1845	January 26, 1846.....	.....	18	18	15	213	782	14,656	15,438	176,455

Michigan.....	1853	December 1.....	.....	.....	18	73	900	972	64,600
Indiana.....	1833	January 4, 1833.....	.....	.....	.....	124	2,592	2,714	53,913
Illinois.....	1851	December 29.....	.....	.....	.....	.....	.....	.....	170,350
Wisconsin.....	1853	January 8, 1854.....	.....	.....	.....	18	258	276	46,760
Iowa.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri.....	1844	January 7, 1845.....	.....	.....	.....	.....	.....	.....	61,000
Arkansas.....	1843	January 15, 1844.....	.....	.....	1	3	57	60	17,137
Texas.....	1847	November 22.....	.....	.....	.....	.....	.....	.....	19,766
California.....	1853	November 14.....	.....	.....	.....	.....	.....	.....	201,400
Minnesota Territory.....	1851	August 16.....	.....	.....	.....	.....	.....	.....	2,003
Oregon Territory.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Washington Territory.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Territory of Utah.....	1853	October 28.....	.....	.....	.....	.....	.....	.....	2,821
Territory of New Mexico.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
District of Columbia.....	1852	December 24.....	.....	.....	.....	33	283	316	2,201
Grand aggregate.....	.....	.....	.....	.....	20	21	386	1,651	2,294,281

\* Separate arms of service not reported.

S. COOPER, *Adjutant General.*WAR DEPARTMENT, *Adjutant General's Office, Washington, February 3, 1854.*



[illegible]

\* No return of arms, &c., from these States and Territories.

*Abstract of the annual returns of arms, &c., of the militia of the United States for 1853—Continued.*

ORDNANCE AND ORDNANCE STORES.

States and Territories.	Lead aprons.	Ammunition boxes.	Tumbrels, or powder carts.	Sets of barres.	Rounds of shot and shells.	Pounds of cannon powder.	Gun carriages.	Caissons.	Tube boxes.	Linstocks.	Muskets.	Musketoons.	Bayonets.	Cartridge boxes and belts.	Bayonet scabbards and belts.	Brushes and picks.	Spare flints.	Ball cartridges.	Carbines.	Rifles.	Fusées.
Maine.....	19	35	15	32	15,246	.....	.....	.....	.....	.....	10,338	100	10,861	2,864	2,675	1,764	42	471	62	3,808	.....
New Hampshire.....	44	82	.....	62	.....	.....	.....	.....	49	41	9,835	.....	9,807	2,391	2,387	2,646	.....	.....	.....	3,084	.....
Massachusetts.....	32	.....	.....	57	.....	.....	.....	18	.....	.....	5,325	.....	5,325	5,479	5,325	.....	.....	20,056	.....	196	.....
Vermont.....	3	20	2	7	.....	.....	.....	.....	.....	.....	9,553	.....	9,382	9,138	8,972	8,794	16,889	.....	.....	174	.....
Rhode Island.....	16	16	10	16	.....	.....	.....	.....	.....	.....	630	.....	630	660	660	660	712	2,000	.....	.....	.....
Connecticut.....	5	7	2	6	6,314	25	.....	.....	.....	.....	4,905	.....	4,900	1,635	1,643	1,537	82,060	350	.....	.....	1,544
New York.....	.....	.....	24	492	6,101	.....	.....	.....	.....	.....	49,723	.....	2,932	29,506	.....	.....	.....	.....	.....	.....	900
New Jersey.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12,986	.....	2,932	1,060	2,932	.....	.....	.....	.....	.....	764
Pennsylvania.....	.....	.....	.....	11	.....	.....	.....	.....	.....	.....	7,337	.....	6,969	6,663	6,594	.....	.....	.....	18	.....	986
Delaware.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	840	.....	818	384	.....	.....	.....	.....	.....	79	.....
Maryland.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Virginia.....	.....	17	.....	8	.....	.....	32	24	.....	2	30,721	.....	30,645	2,209	1,695	429	.....	.....	77	.....	1,534
North Carolina.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	9,902	.....	6,892	5,045	3,700	2,151	.....	.....	.....	16,072	.....
South Carolina.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Georgia.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3,304	3,039	2,595	727	3,000	10,036	.....	1,782	.....
Florida.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Alabama.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	30,000	.....	.....	.....	.....	.....	.....	.....	.....	.....	20,000
Louisiana.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	856	.....	.....	.....	.....	.....	.....	.....	.....	.....	380
Mississippi.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tennessee.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	9,822	.....	1,622	1,691	1,712	1,966	5,000	135	.....	.....	\$18,965

[illegible]

No returns of arms, &c., from these States and Territories.

† Boxes.

**† Cases.**

## Кега.

**§ Fuses included.**



Oklahoma	1,381	1,381	2,719	50	2,669	2,375	891	3,602	200	51	142	54	37
Michigan	980	1,800	48,000	1,300	780	814	891	607	---	---	---	400	30
Indiana	6,500	---	---	---	---	780	---	350	---	---	1358	---	---
Illinois	480	480	---	---	45	45	---	45	---	---	---	---	---
Wisconsin	---	---	---	---	---	---	---	---	---	---	---	---	---
Iowa	3,561	3,561	---	---	510	222	---	800	---	12	53	51	---
Missouri	400	400	---	---	50	50	---	---	---	---	6	6	3
Arkansas	---	---	---	---	---	---	---	---	---	---	---	---	---
Texas	---	---	---	---	143	113	---	25	---	---	---	---	---
California	200	200	---	---	---	---	---	---	---	---	---	---	---
Minnesota Territory	---	---	---	---	---	---	---	---	---	---	---	---	---
Oregon Territory	---	---	---	---	---	---	---	---	---	---	---	---	---
Washington Territory	---	---	---	---	---	---	---	---	---	---	---	---	---
Territory of Utah	---	---	---	---	---	---	---	---	---	---	---	---	---
Territory of New Mexico	---	---	---	---	---	---	---	---	---	---	---	---	---
District of Columbia	158	225	351	---	24	---	---	---	---	---	---	---	---
Aggregate	15835,659	13,403	72	1,5675,545	165,487	4,76423,628	20,649	4,31522,933	2,59113,874	183	534	2,744	258101

\* No returns of arms, &amp;c., from these States and Territories.

† Pounds.

‡ Flasks.

WAR DEPARTMENT, *Adjutant General's Office, Washington, February 3, 1864.*S. COOPER, *Adjutant General*



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REPORT  
OF  
THE POSTMASTER GENERAL,

IN ANSWER

*To a resolution of the Senate respecting the measures taken to establish a daily mail between certain places on the Mississippi river, as required by the 11th section of the "act to establish certain post roads and for other purposes," approved August 31, 1852.*

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FEBRUARY 10, 1854.—Ordered to lie on the table and be printed.

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POST OFFICE DEPARTMENT,  
February 9, 1854.

SIR: In obedience to the resolution of the Senate of the 24th January, 1854, I have the honor to submit the following report:

The 11th section of the act of Congress, approved August 31, 1852, made it "the duty of the Postmaster General to issue proposals, and contract for the transportation of a daily mail between Louisville and Cairo, St. Louis and Cairo, Cairo and Memphis, and Memphis and New Orleans, and to supply such intermediate points as he may order from time to time, on suitable and safe steamboats."

Under this act of Congress my predecessor advertised on the 31st December, 1852, that proposals would be received until three, p. m., of 10th February, 1853, (to be decided on or before the 1st March following,) for conveying the mails for four years from 1st July, 1853, by an express line, stopping at the principal offices only between Louisville and New Orleans, and way lines connecting such principal offices and supplying all intermediate offices, and also by a connecting line from St. Louis and Cairo.

A copy of the advertisement is herewith transmitted, marked A. It was published in the National Intelligencer, Republic, and Union, of Washington city; Express, New York; Gazette, Pittsburgh, Pa.; Gazette, Cincinnati, Ohio; Journal, Louisville, Ky.; Intelligencer, St. Louis, Mo.; Eagle and Enquirer, Memphis, Tenn.; Gazette and Democrat, Little Rock, Ark., and Commercial Bulletin, New Orleans.

The abstract, marked B, shows the several bids that were received under said advertisements.

On the 1st March, 1853, the Postmaster General accepted the bid of Messrs. Glover & Mather, which is in the following words, viz.:

We, William R. Glover, of Louisville, Kentucky, and Thomas W. Mather, of the city of New York, propose to carry the mails on routes No. 5, 102 *express*, and *way lines* from Louisville, Ky., to New Orleans, La., agreeably to the advertisement of the Postmaster General, dated

the 31st day of December, 1852, and by the following mode of conveyance, viz: in steamboats, as required by the advertisement, for the annual sum of four hundred and fifty thousand dollars.

WILLIAM R. GLOVER,  
THOMAS W. MATHER.

WASHINGTON CITY, *January 21, 1853.*

On the 2d March, 1853, the following letter was addressed to those bidders, viz.:

"GENTLEMEN: The Postmaster General has accepted your proposal for carrying the mail on routes

No. 5,102, Louisville to New Orleans, express line.

5,102a, Louisville to Evansville, way line.

5,102b, Evansville to Cairo, do.

5,102c, Cairo to Memphis, do.

5,102d, Memphis to Napoleon, do.

5,102e, Napoleon to Vicksburg, do.

5,102f, Vicksburg to St. Francisville, do.

5,102g, St. Francisville to New Orleans, do.,

agreeably to the advertisement of the Postmaster General, dated December 31, 1852; service to be daily in new low-pressure steamboats, and to commence on or before the 1st day of October next, all for the compensation of four hundred and fifty thousand dollars a year.

WILLIAM H. DUNDAS,

*Second Assistant Postmaster General.*

WM. GLOVER & THOS. W. MATHER."

Immediately after taking charge of the department, representations were made to me that the public service did not require two lines between Louisville and New Orleans, and the following letter was received, which was, of course, entitled to great consideration:

WASHINGTON, D. C., *March 11, 1853.*

The undersigned respectfully recommend that no contract be entered into with the accepted bidders on the routes between Louisville, Cairo, St. Louis, and New Orleans. They are satisfied that one daily mail over these routes will be as much as the wants or wishes of the public will require; and that the expenditure of so large an amount as is requisite for two daily mails is unnecessary.

They would respectfully suggest that the accepted bidders be notified of the fact that the department has suspended the acceptance until the matter can be investigated by yourself.

Very respectfully,

J. D. BRIGHT,  
S. P. CHASE,  
D. R. ATCHISON,  
S. ADAMS,  
THOMAS J. RUSK,  
JOHN PETTIT,  
GEO. W. JONES.

Hon. JAMES CAMPBELL, *Postmaster General.*

On receiving this communication I suspended the acceptance of the bid for such service, until I could make full enquiry on the subject.

On the 12th March, 1853, I caused Messrs. Glover & Mather to be addressed as follows :

POST OFFICE DEPARTMENT, CONTRACT OFFICE,  
*March 12, 1853.*

I am instructed by the Postmaster General to say, that he has not had time, since he came into the department, to examine the matter of the acceptance of the proposal of yourself and T. W. Mather for conveying the mails on the Ohio and Mississippi rivers, between Louisville and New Orleans, but that it is his intention to reconsider the acceptance as soon as he can find time to give it his attention.

WILLIAM H. DUNDAS,

*Second Assistant Postmaster General.*

WM. R. GLOVER, *Louisville, Ky.*

With the entire concurrence of the contractors, on the 20th May, 1853, an order was made modifying the acceptance of 1st March, 1853, by which the stipulation that the service should be performed in new low-pressure steamboats was annulled, and the way-mail service between Cairo and St. Francisville dispensed with, and the price of the service reduced from \$450,000 to \$297,975, the service to commence on the 1st of December.

On the same day contracts were prepared which were finally executed on 19th July, 1853, and a copy of the same, marked C, is herewith transmitted.

Considering its unusual importance both to the public and this department, the very large extent of country immediately interested, and the expenditure of public money involved, and that the evils heretofore existing in connexion with the mail service on the Ohio and Mississippi rivers were expected to be remedied by this new contract, I took every precaution to enforce a strict compliance, not only with its plain, literal stipulations, but also with all the terms and conditions of the advertisement of my predecessor, agreeably to which proposals were offered and contracts executed.

Accordingly, on the 4th and 15th of October, 1853, by my directions, Wm. M. Murphy, a special agent of this department, was fully informed of the nature of the service required, and instructed to see to its performance in every respect.

What his instructions were will appear from the following letters of the Second Assistant Postmaster General:

“ The contract of Glover & Mather for mail service on the Ohio and Mississippi rivers, to go into operation on the 1st of December next, requires that the mail be carried daily in safe and suitable steamboats between Louisville and New Orleans, the trip to be made in seven days each way. They are also to convey a second mail daily between Louisville and Cairo, in forty-nine hours, and between St. Francisville and New Orleans in twenty-five hours each way. This service is to be performed in steamboats of the very best class, constructed for the conveyance of mails and passengers only ; and the Postmaster General will expect a literal and full compliance with all the conditions and re-

quirements contained in the notes appended to the advertisement inviting proposals for it, a copy of which is enclosed. Between St. Louis and Cairo, under contract to J. E. Caldwell, the service is also to be daily, in twenty-three hours, in steamboats of similar quality and subject to the like conditions. The Postmaster General expects that you will see that the provisions of the contract are faithfully fulfilled in every particular; and he directs me also to say, that the Secretary of the Treasury has been requested to detail one of the United States steamboat inspectors, resident at Louisville or vicinity, to aid you in the examination of such boats as the contractor may offer for the service, and join in your reports of their sufficiency in every respect. This information is given you *thus early*, that you may be apprised in time of what the Postmaster General expects in relation to this contract."

"Referring to former letters on the subject, I am directed by the Postmaster General to call your attention again to the contract of Glover & Mather for mail service between Louisville and New Orleans, and that of J. E. Caldwell between St. Louis and Cairo, from 1st December next. He desires that you will not forget that he expects a full and literal compliance with the terms of the contract, and the conditions and requirements contained in the notes affixed to the advertisement; so that the expectations of the public and himself may be realized. The steamboats offered by the company must be subjected to a rigid examination, and none accepted which are not of the very best class as to size, strength, speed, constructed for the conveyance of the mails and passengers, and for those purposes exclusively. It should be kept in mind that the object of Congress and the department has been and is, to provide an independent and distinct line of mail and passenger packets on these waters, and the compensation which the United States have engaged to pay for the conveyance of mails is such as to command and sustain, in connexion with passenger business, the line contemplated; and nothing less will meet the obligations of the contract. You are requested to give particular attention to the room or rooms on each boat designed for the reception of the mails and the accommodation of the agent. They must be in safe, convenient, and comfortable position, sufficiently large to contain the mails and enable the agent to transact business and sleep in comfort and security, must be well provided with locks, and be under the exclusive control of the agent."

"The mails are not to be delivered to any boat, until it shall have been examined by yourself and the agent designated by the Secretary of the Treasury, and your united report, certifying to her sufficiency in every respect, transmitted to and approved of by the department. And you will observe that the notes require that the whole number of boats necessary for the service must be provided before the contract will be considered as commenced. You are requested to advise the department immediately what arrangements are made or are being made by the contractors towards the fulfilment of their obligations."

Learning subsequently that Messrs. Glover & Mather considered themselves exempted, by virtue of an understanding with my predecessor, from some of the most important requirements of the advertisement

under which their contract was made, I caused another letter to be addressed to Mr. Murphy on the 26th November, 1853, for communication to the contractors, expressly refusing to recognize any such exemption, the same not appearing on the records of the department, and insisting on a rigid adherence to all the conditions of the advertisement.

"The Postmaster General has been informed that Messrs. Glover & Mather, contractors for conveying the mail from 1st December next between Louisville and New Orleans, assume the position that their contract was not made under the conditions, stipulations and requirements of the advertisement inviting proposals for the service, and the notes appended thereto; but was formed under an amended proposition superseding the first, and by which those conditions were set aside or dispensed with. They also assert that under the original acceptance by the late Postmaster General, the condition that the service was to be performed in steamboats conveying mails and passengers only, was removed by him, and that this was understood by the then and present head of the contract office.

"The Postmaster General wishes you to understand, and make it known to the contractors, that the records of the department do not show any relinquishment or modification of any of the conditions and requirements mentioned, and that he has never verbally or otherwise set aside or dispensed with any of them; but, on the contrary, he has uniformly contended, and he now contends, that they shall all be rigidly adhered to and enforced.

"The proposals of other bidders were made with a full knowledge of the requirements in question, and their prices fixed accordingly, and of the service and the manner of performing it which would be expected from them; and now to dispense with those conditions, and remove the restrictions in favor of the accepted bidder, would be doing gross injustice to others, and will not be consented to. No officer of the department assented to the alleged modifications, and provided such was the fact, it would be of no avail unless sanctioned by the Postmaster General in writing, and put on record. The advertisement, with the notes affixed, was the basis on which the contract was made, and no part of it will be dispensed with."

On the 7th December, 1853, a letter was received from Mr. Murphy, dated 3d:

"On the 1st December, Messrs. Glover and Mather, at 9 o'clock, a. m., demanded the way mail via Evansville, Cairo, and to St. Louis, and presented the 'Lady Franklin' as the boat. I went with the mail to Portland, and refused it to them, as I found she was taking on freight. I then sent the mail by her on the old contract. At 5 o'clock, p. m., they again demanded the express mail, and named the 'J. S. Chenowith.' I went with the mail to her and again refused them, as I found she had freight aboard. The mail was then delivered over to Mr. Hughes, local agent, to ship as usual.

"On the morning of the 2d, the contractors presented the 'Telegraph, No. 2,' and was refused for the same reason, and the mail sent on her under the old contract. In the evening the 'Glendale' was presented for the express mail, and refused on the same ground. To-day the 'York State' was presented for the way, and the 'R. J.



Ward' for the express mails, and both refused on finding they had freight aboard. Messrs. G. & M. will present a boat morning and evening, they give me to understand, and will be refused if I find freight aboard, until further orders."

To this letter an answer was immediately returned, telling him—

"That his proceedings were approved of, and directing him to persist in the same so long as Messrs. Glover & Mather failed to provide boats for conveying mails to the exclusion of freight."

The contractors having persisted, from day to day, in offering boats which they were fully aware would not be accepted for conveying mails under their contract, the special agent of the department released them from the necessity of daily demanding the mails, so long as they continue to offer to take the same on boats carrying freight.

As the advertisement provided expressly that the service was to be performed in suitable and safe steamboats, constructed for the conveyance of mails and passengers only; and the whole language of the notes which made part of the advertisement shows that it was understood to be the object of Congress, as it was that of the department, to obtain safe and reliable lines of packets, devoted to the conveyance of mails primarily, and of passengers secondarily, and to the entire exclusion of freight, which would necessarily retard their speed, consume time in its reception and discharge, and detract from the safety of the mails and passengers, I deemed it an imperative duty to exact from the contractors a strict and faithful compliance with their contract. In the advertisements the objects of the department were clearly set forth, and bids were framed accordingly. Mail service by the usual freight boats on the rivers had been in operation for years, was well known to all acquainted with the waters, and had caused the complaints and demands of the public, which, in part, gave rise to the law and the movement to obtain more efficient service. But, independently of this, the proposal of Glover & Mather to carry the mails on routes No. 5,102, express and way lines from Louisville to New Orleans, *agreeably to the advertisement of the Postmaster General, dated 31st day of December, 1853*, and by the following mode of conveyance, viz. "in steamboats as required by the advertisement," shows that they had a full understanding of what was to be required of them, and knew that articles of freight were to be excluded. If these parties, after this distinct and unqualified bid, were to be permitted to carry freight, not only the design of the law would be entirely frustrated, but a great wrong would be done to the other bidders and to the government.

The contract, as executed by them, refers expressly to the advertisement and their bid. The clause that they "have been accepted according to law, as contractors for transporting the mail on route No. 5,102," &c., refers to the act of Congress, providing for an advertisement, and to the bid made and received under that advertisement, for, it is only by a regular advertisement and a bid received under it, that the department can make a contract of this description.

The present service costs the department the sum of \$80,661 per annum. The boats offered by Glover & Mather were almost all of them the same boats which now carry the mail, and if they had been

suffered to carry the mail in the manner which they intended, they would be receiving \$217,314 yearly for acting as mail messengers.

My design is to put the service in operation, and if the present contractors persist in their present endeavor, I will advertise anew.

Certain changes may be made in the character of the service, and if I should conclude that the boats may carry freight, so as not to interfere with their arrivals and departures, I will so state in my advertisement, and the parties bidding will thus all be put on the same footing. If this should be done, as good and efficient service as that contemplated by the present contractors will be secured, and at a much less rate, and proper and just prices be paid by the government for the service rendered.

JAMES CAMPBELL.

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A.

*River Mails—Louisville and St. Louis to Cairo and New Orleans.*

The eleventh section of the act of Congress, approved August 21, 1852, provides "That it shall be the duty of the Postmaster General to issue proposals and contract for the transportation of a daily mail between Louisville and Cairo, St. Louis and Cairo, Cairo and Memphis, and Memphis and New Orleans, and to supply such intermediate points as he may order from time to time, on suitable and safe steamboats."

To carry into effect this law, and meet the demands of the public, it is deemed expedient to provide for a double daily line between Louisville and New Orleans, to consist of an express line, stopping at the principal offices only, and way-lines, connecting such principal offices and supplying all intermediate offices, and also a connecting line from St. Louis to Cairo. With this view proposals will be received at the Contract Office of the Post Office Department in the city of Washington, until 3 o'clock p. m. of the 10th day of February, 1853, (to be decided on or before the 1st of March following,) for conveying the mails of the United States for four years from the 1st July, 1853, on

*Route No. 5102.—Express Line.*

From Louisville, Kentucky, by Evansville, Indiana, Cairo, Illinois, Memphis, Tennessee, Napoleon, Arkansas, Vicksburg, Mississippi, Natchez and St. Francisville, Louisiana, to New Orleans, 1,416 miles and back daily, in "suitable and safe steamboats."

Leave Louisville daily at 5 p. m.

Arrive at New Orleans in 6 days by 5 p. m.

Leave New Orleans daily at 5 p. m.

Arrive at Louisville in 7 days by 5 p. m.

The department reserves the right to add not exceeding six offices to the above number to be visited by the express line.

No. 5102a.—*Way Line.*

From Louisville, Kentucky, by West Point, Brandenburg, Mauckport, Indiana, New Amsterdam, Leavenworth, Fredonia, Rome, Stephensport, Kentucky, Cloverport, Hawesville, Cannelton, Indiana, Troy, Lewisport, Kentucky, Rockport, Indiana, Owensboro', Kentucky, Newburgh, Indiana, Green River, Kentucky, to Evansville, Indiana, 188 miles and back daily, in "suitable and safe steamboats."

Leave Louisville daily at 9 a. m.

Arrive at Evansville next day by 10 a. m.

Leave Evansville daily at 8 a. m.

Arrive at Louisville next day by 9 a. m.

Rome to be visited on alternate days, with Stephensport and Hawesville on alternate days with Cannelton.

No. 5102b.—*Way Line.*

From Evansville, Indiana, by Henderson, Kentucky, Mount Vernon, Indiana, Uniontown, Kentucky, Raleigh, Shawneetown, Illinois, Caseyville, Kentucky, Cave-in-Rock, Illinois, Elizabethtown, Golconda, Smithland, Kentucky, Paducah, Metropolis City, Illinois, Hillerman and Caledonia, to Cairo, 188 miles and back daily, in "suitable and safe steamboats."

Leave Evansville daily at 11 a. m.

Arrive at Cairo next day by 11 a. m.

Leave Cairo daily at 7 a. m.

Arrive at Evansville next day by 7 a. m.

No. 5102c.—*Way Line.*

From Cairo, Illinois, by Columbus, Kentucky, Hickman, New Madrid, Missouri, Ashport, Tennessee, Hickman's Bend, Arkansas, Fulton, Tennessee, Osceola, Arkansas, Pecan Point, Randolph, Tennessee, and Oldham, Arkansas, to Memphis, Tennessee, 242 miles and back daily, in "suitable and safe steamboats."

Leave Cairo daily at 12 a. m.

Arrive at Memphis in 31 hours by 7 p. m. next day.

Leave Memphis daily at 11 p. m.

Arrive at Cairo in 31 hours by 6 a. m. second day.

No. 5102d.—*Way Line.*

From Memphis, Tennessee, by Grayson, Arkansas, Dark Corner, Mississippi, Blues' Point, Arkansas, Commerce, Mississippi, Bledsoe's Landing, Arkansas, Walnut Bend, Austin, Mississippi, Wayne, Arkansas, Sterling, Helena, Delta, Mississippi, Friars' Point, Barneys, Arkansas, Island 66, Mississippi, Laconia, Arkansas, Victoria, Mississippi, and White River, to Napoleon, 178 miles and back daily, in "suitable and safe steamboats."

Leave Memphis daily at 8 p. m.

Arrive at Napoleon next day by 7 p. m.

Leave Napoleon daily at 11 p. m.

Arrive at Memphis next day by 10 p. m.

No. 5102e.—*Way Line.*

From Napoleon, Arkansas, by Glencoe, Mississippi, Bolivar, Gaines' Landing, Arkansas, Columbia, Greenville, Mississippi, Point Worthington, Grand Lake, Arkansas, Princeton, Mississippi, Lake Providence, Louisiana, Tallulah, Mississippi, Pecan Grove, Louisiana, Brunswick Landing, Mississippi, Milliken's Bend, Louisiana, and Young Point, to Vicksburg, Mississippi, 212 miles and back daily, in "suitable and safe steamboats."

Leave Napoleon daily at 8 p. m.

Arrive at Vicksburg in 27 hours by 11 p. m. next day.

Leave Vicksburg daily at 7 p. m.

Arrive at Napoleon in 27 hours by 10 p. m. next day.

No. 5102f.—*Way Line.*

From Vicksburg, Mississippi, by Palmyra, New Carthage, Louisiana, Ashwood, Grand Gulf, Mississippi, St. Joseph, Louisiana, Rodney, Mississippi, Water Proof, Louisiana, Rifle Point, Natchez, Mississippi, Union Point, Louisiana, Fort Adams, Mississippi, Red River Landing, Louisiana, Tunica, and Point Coupee, to St. Francisville, 232 miles and back daily, in "suitable and safe steamboats."

Leave Vicksburg daily at 12 night.

Arrive at St. Francisville in 31 hours, by 7 a. m. second day.

Leave St. Francisville daily at 11 a. m.

Arrive at Vicksburg in 31 hours, by 6 p. m. next day.

No. 5102g.—*Way Line.*

From St. Francisville, Louisiana, by Waterloo, Hermitage, Port Hudson, Lobdel's Store, Baton Rouge, Bruly Landing, Manchac, Plaquemine, Iberville, Bayou Goula, New River, Donaldsonville, Tureaud, Convent, Edgar's, Bonnet Carre, Taylor's and Logan's Landing, to New Orleans, 176 miles and back daily, in "suitable and safe steamboats."

Leave St. Francisville daily at 8 a. m.

Arrive at New Orleans next day by 9 a. m.

Leave New Orleans daily at 9 a. m.

Arrive at St. Francisville next day by 10 a. m.

Proposals may be made for the express and way lines between Louisville and New Orleans in one sum, or for each route separately. For the connecting line between St. Louis and Cairo distinct bids should be offered.

No. 4829.—*Connecting Line.*

From St. Louis, Missouri, by Carondelet, Jefferson Barracks, Harrisonville, Illinois, Herculaneum, Missouri, Selma, St. Genevieve, Chester, Illinois, Bainbridge, Missouri, Cape Girardeau, Commerce, and Ohio City, to Cairo, Illinois, 172 miles and back, daily, in "suitable and safe steamboats."

Leave St. Louis daily at 8 a. m.

Arrive at Cairo next day by 7 a. m.

Leave Cairo daily at 8 a. m.

Arrive at St. Louis next day by 7 a. m.

The department may require the supply of any other offices on the way and connecting lines at its pleasure.

The service must be performed in suitable and safe steamboats, of the very best class, constructed for the conveyance of mails and passengers only, with speed and safety. In seasons of low water smaller boats may be used, but they must be of equal quality and of sufficient power to make the trips in the time mentioned, and are to be used only during such time of low water.

Route agents may be employed on each boat, and for their accommodation, and for the safe-keeping, assorting, and making up the mails, a suitable and convenient room or rooms must be assigned, to be under the exclusive control of the agent.

The agents are to be appointed and paid by the department, but they are to be conveyed and provided for by the contractors free of charge.

Local agents will be appointed and paid by the department at the points named in the express and connecting lines and the termini of the way lines, viz: St. Louis, Louisville, Evansville, Cairo, Memphis, Napoleon, Vicksburg, St. Francisville, and New Orleans; at all other places messengers, to convey the mails to and from the boats at the landings and the post offices, are to be employed and compensated by the contractors; but they are to be supervised and directed by the local or other agents of the department, and are to be discharged or changed at any time when requested by the Postmaster General for good and sufficient reasons.

In case of accident to the boats of either the express, way, or connecting lines, by which such boat may be detained, the mail and agents are to be transferred to the first boat passing the same way, whether such boat be or be not a mail boat, or belong or not to the same contractor, to be carried to its destination and delivered free of charge to the department.

Special agents of the department are to be conveyed free of charge, on exhibition of their credentials. Also blanks, mail locks, and mail bags.

No extra pay will be given should the distance on either of the routes prove to be greater than stated.

The proposals must be guarantied by one or more responsible individuals, and the guaranty duly certified.

The department reserves the right to reject any bid which may be deemed extravagant; and also to set aside lower bids in favor of higher ones, unless the most unquestionable evidence be presented of the entire sufficiency and responsibility of the parties bidding, and of their guarantors.

The right is also retained to accept the proposals of bidders stipulating to use boats constructed on the low pressure principle, although the compensation demanded may be greater than that required by those using high pressure boats.

Bidders, in preparing and submitting their proposals, individuals in consenting to become guarantors, and postmasters in certifying to their sufficiency, are requested to bear in mind that the object of Congress in enacting the law, and of the department in executing it, is to obtain regular and reliable lines of mail packets on this important thoroughfare, arriving and departing at fixed times at the principal points all the year round; and that a strict compliance with the contract obligations will be demanded.

The whole number of boats required for the service accepted to each contractor, must be provided before the contract will be considered as commenced; and they will be subject to the inspection of an agent or agents, appointed by the department, who will certify to each by name that they are of sufficient size, strength, quality, and capacity, and in all respects adapted to the duty to be performed. No boat once accepted into the service can be withdrawn without the assent of the department, and any new boat proposed so to be employed will be subject to like inspection and acceptance.

Bidders and guarantors are referred, for the provisions of law on the subject of their liabilities, to the 27th section of the "Act to change the organization of the Post Office Department," approved July 3, 1836.

It is desirable that the service go into operation on the 1st July, 1853, but the commencement may be postponed until the 1st October succeeding, if it be absolutely necessary and is requested. In any event the contract will expire on the 30th June, 1857.

Articles of contract are to be executed by the accepted bidder and by his sureties, by or before the first day of July, 1853. The contract is to provide, among other things, that the pay of the trip is to be forfeited when the trip is not performed, and not more than three times the pay of the trip when the trip is not run, and no sufficient excuse for the failure is furnished, and a due proportion of it when a grade of service is rendered inferior to that specified in the contract; and that fines may be imposed, unless the delinquency be satisfactorily explained in due time, for failing to take from, or to deliver into, the post office at the port of landing the mail belonging thereto, or any part of said mail; for suffering the mail, or any part of it, to be wet, injured, lost, or destroyed; for conveying it in a place or manner that exposes it to depredation, loss, or injury; for refusing, after demand made, to convey a mail by any additional steamboat run by the contractor on the route, over and above the specified number of trips in the contract, and for not arriving at the time set; also for transmitting intelligence, or furnishing the means of transmitting intelligence, in advance of the mail. The Postmaster General may annul the contract for repeated failures; for violating the post office laws; for disobeying the instructions of the department; for refusing to discharge a carrier when required by the department; for assigning the contract without the consent of the Postmaster General, or for setting up or running an express as aforesaid.

The Postmaster General may alter the contract, and alter the schedule, he allowing *pro rata* increase of compensation, within the restrictions imposed by law for any increased service required. The

Postmaster General may also discontinue or curtail the service, he allowing one month's extra pay on the amount dispensed with.

The route, the service, the yearly pay, the bidder's name and residence, and the name of each member of the firm where a company offers, should be distinctly stated in the proposals.

*Form of a Bid.*

I (or we) — of —, propose to carry the mails on route No. —, from — to —, agreeably to the advertisement of the Postmaster General, dated 31st December, 1852, and by the following mode of conveyance, viz :

— for the annual sum of — dollars.

Dated.

Signed.

*Form of a Guaranty.*

The undersigned undertake that if the foregoing bid for carrying the mail on route No. — be accepted by the Postmaster General, the bidder shall, prior to the first day of July, 1853, enter into the required obligation to perform the service proposed, with good and sufficient sureties.

Dated.

(Signed by two guarantors.)

*Form of a Certificate.*

The undersigned, postmaster of —, certifies that he is well acquainted with the above guarantors and their property, and that they are men of property, and able to make good their guaranty.

Dated.

Signed.

Proposals should be addressed, sealed, to the Second Assistant Postmaster General, and it is particularly important that they be marked on the face of the letter "proposals, river mails."

S. D. HUBBARD,

*Postmaster General.*

POST OFFICE DEPARTMENT, December 31, 1852.

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## B.

*Bids for carrying the mail from Louisville and St. Louis to Cairo and New Orleans.*

No.	Routes.	Bidders.	Bids.	Remarks.
5102	Louisville to New Orleans.....	Glover & Mather.....	\$450,000 00	For this and way-lines to New Orleans.
5102	.....do.....do.....	.....do.....	200,000 00	In new steamboats.
5102a	Louisville to Evansville.....	.....do.....	450,000 00	For express and way lines to New Orleans.
5102b	Evansville to Cairo.....	.....do.....	450,000 00	Do.....do.....do.....
5102c	Cairo to Memphis.....	.....do.....	450,000 00	Do.....do.....do.....
5102d	Memphis to Napoleon.....	.....do.....	450,000 00	Do.....do.....do.....
5102e	Napoleon to Vicksburg.....	.....do.....	450,000 00	Do.....do.....do.....
5102f	Vicksburg to St. Francisville.....	.....do.....	450,000 00	Do.....do.....do.....
5102g	St. Francisville to New Orleans.....	.....do.....	450,000 00	Do.....do.....do.....
5102	Louisville to New Orleans.....	John E. Caldwell.....	490,000 00	In low pressure passenger steamers; service to commence October 1, 1853, for this and way lines to New Orleans.
5102a	Louisville to Evansville.....	.....do.....	490,000 00	In low pressure passenger steamers; service to commence October 1, 1853, for express and way lines to New Orleans.
5102b	Evansville to Cairo.....	.....do.....	490,000 00	Same as above.
5102c	Cairo to Memphis.....	.....do.....	490,000 00	Do.
5102d	Memphis to Napoleon.....	.....do.....	490,000 00	Do.
5102e	Napoleon to Vicksburg.....	.....do.....	490,000 00	Do.
5102f	Vicksburg to St. Francisville.....	.....do.....	490,000 00	Do.
5102g	St. Francisville to New Orleans.....	.....do.....	490,000 00	Do.
4829	St. Louis to Cairo, connecting line.....	.....do.....	40,000 00	In low pressure passenger steamers; service to commence October 1, 1853.
5102	Louisville to New Orleans.....	Benedict & Carter.....	730,000 00	Certificate not in form.
5102	Louisville to New Orleans.....	J. H. Barker.....	199,750 00	In steamboats, or \$196,450, allowing one more day each way to perform the service and supply the following offices, in addition to those mentioned in the advertisement for this route, viz: Columbus, Kentucky; Hickman, New Madrid, Missouri; Randolph, Tennessee; Helena, Arkansas; Columbia, Mississippi; Greenville, Grand Lake, Lake Providence, Louisiana; and Grand Gulf, Mississippi.
5102a	Louisville to Evansville.....	.....do.....	75,000 00	Or \$73,750 in lieu thereof, omitting West Point, Kentucky; Ohio City Carondelet, and Jefferson Barracks, Missouri, and embrace St. Mary's Landing, Missouri, and run through to

St. Louis from Louisville in 65 hours, returning in same time—7 hours less than advertised schedule time. Bids are invited for this route and No. 5102a, (way line), and No. 4829, (connecting line), proposing schedules on all of them, both going and returning. Contract for two years.

Or \$73,750 in lieu thereof, as on No. 5102a.  
Or \$73,750 in lieu thereof, as on No. 5102a.

In first class new, low pressure steamboats; service to commence on the first day of October next. Certificate not signed.

In good and safe steamboats. Certificate not in form.

Afterwards reduced to \$85,750 instead of above sum. (Received late; see bid.) In suitable and safe low pressure steamboats.

In suitable and safe high pressure steamboats.

## C

No. 5102.—*Express Line.* Nos. 5102*a*, 5102*b*, and 5102*c*.—*Way Lines*—  
\$297,975 per annum.

This article of contract, made the twentieth day of May, in the year one thousand eight hundred and fifty-three, between the United States (acting in this behalf by their Postmaster General) and William R. Glover, and Thomas W. Mather, and A. G. Sloo, John C. Mather, George W. Bright, and Edwin Croswell, witnesseth: That whereas William R. Glover and Thomas W. Mather have been accepted, according to law, as contractors for transporting the mail on route No. 5102, express line, from Louisville, Kentucky, by Evansville, Indiana, Cairo, Illinois, Memphis, Tennessee, Napoleon, Arkansas, Vicksburg, Mississippi, Natchez and St. Francisville, Louisiana, to New Orleans, and back, daily, and *way lines*, 5102*a*, and 5102*b*, from Louisville, Kentucky, by West Point, Brandenburg, Mauckport, Indiana, New Amsterdam, Leavenworth, Fredonia, Rome, Stephensport, Kentucky, Cloverport, Hawesville, Cannelton, Indiana, Troy, Lewisport, Kentucky, Rockport, Indiana, Owensboro', Kentucky, Newburg, Indiana, Green River, Kentucky, Evansville, Indiana, Henderson, Kentucky, Mount Vernon, Indiana, Uniontown, Kentucky, Raleigh, Shawneetown, Illinois, Caseyville, Kentucky, Cave-in-Rock, Illinois, Elizabethtown, Golconda, Smithland, Kentucky, Paducah, Metropolis City, Illinois, Hillerman and Caledonia, to Cairo, and back, daily; and on 5102*c*, from St. Francisville, Louisiana, by Waterloo, Hermitage, Port Hudson, Lobdel's Store, Baton Rouge, Bruly Landing, Monchac, Plaquemine, Iberville, Bayou Goula, New River, Donaldsonville, Tureaud, Convent, Edgars, Bonnet Carre, Taylor's and Logan's Landing to New Orleans, and back, daily. The express service to be performed in seven days each way. The whole service, on the express and way lines, to be performed in suitable and safe steamboats; the Postmaster General reserving the right to require the supply of six additional offices by the express line, without additional pay, at two hundred and ninety-seven thousand nine hundred and seventy-five dollars per year, for and during the term commencing the first day of December, in the year one thousand eight hundred and fifty-three, and ending with the thirtieth day of June, in the year one thousand eight hundred and fifty-seven: Now, therefore, the said William R. Glover and Thomas W. Mather, contractors, and A. G. Sloo, John C. Mather, George W. Bright, and Edwin Croswell, their sureties, do jointly and severally undertake, covenant, and agree with the United States, and do bind themselves—

1st. To carry said mail within the times fixed in the annexed schedule of departures and arrivals, and so carry until said schedule is altered by the authority of the Postmaster General of the United States, as hereinafter provided, and then to carry according to said altered schedule.

2d. To carry said mail in a safe and secure manner, free from wet or other injury, in a suitable and safe steamboat, and in a separate and convenient apartment, to be suitably fitted up under order of the de-

partment, at the expense of the contractors, for the assorting and safe keeping of the mail, and for the sole and exclusive occupation, use and accommodation of the Post Office Department and its mail agent, if the Postmaster General shall require it for the use and accommodation of the mail and mail agent, and such mail agent is to be conveyed without further charge. In case the contractors fail to furnish such suitable accommodations, the department shall have the right to provide a separate and convenient apartment, or other suitable accommodations at the expense of the contractors. 3d. To take the mail and every part of it from, and deliver it and every part of it into, each post office on the route, or that may hereafter be established on the route, provided not more than one quarter of a mile from the landing of the boat, and into the post office at each end of the route, and to the mail carriers on connecting routes.

They also undertake, covenant, and agree with the United States, and do bind themselves, jointly and severally as aforesaid, to be answerable for the person to whom the said contractors shall commit the care and transportation of the mail, and accountable to the United States for any damages which may be sustained by the United States, through his unfaithfulness or want of care; and that the said contractors will discharge any carrier of said mail, whenever required to do so by the Postmaster General; also, that they will not transmit by themselves or their agent, or be concerned in transmitting, commercial intelligence more rapidly than by mail, and that they will not carry out of the mail letters or newspapers which should go by post; and that they will not, knowingly, convey any person carrying on the business of transporting letters, or other mail matter, without the consent of the department; and further, that the said contractors will convey, without additional charge, post office blanks, mail bags, and the special agents of the department, on the exhibition of their credentials.

They further undertake, covenant, and agree with the United States, that the said contractors will collect quarterly, if required by the Postmaster General, of postmasters on said route, the balances due from them to the General Post Office, and faithfully render an account thereof to the Postmaster General, in the settlement of quarterly accounts, and will pay over to the General Post Office all balances remaining in their hands.

For which services, when performed, the said William R. Glover and Thomas W. Mather, contractors, are to be paid by the said United States the sum of two hundred and ninety-seven thousand nine hundred and seventy-five dollars a year, to wit: Quarterly in the months of May, August, November, and February, through the postmasters on the route, or otherwise, at the option of the Postmaster General of the United States; said pay to be subject, however, to be reduced or discontinued by the Postmaster General, as hereinafter stipulated, or to be suspended in case of delinquency.

It is hereby stipulated and agreed, by the said contractors and their sureties, that the Postmaster General may increase the service or change the schedule, he allowing a pro rata increase of compensation,

within the restrictions imposed by law, for the additional service required; but the contractors may, in case of increased service or change of schedule, relinquish the contract, on timely notice, if they prefer it to the change; also that the Postmaster General may curtail or discontinue the service in whole or in part, he allowing one month's extra pay on the amount dispensed with.

It is hereby also stipulated and agreed, by the said contractors and their sureties, that in all cases there is to be a forfeiture of the pay of a trip when the trip is not run; and of not more than three times the pay of a trip when the trip is not run, and no sufficient excuse for the failure is furnished; a forfeiture of at least one fourth part of it when the running is so far behind time as to lose connection with a depending mail, unless it is shown that the same was not caused by neglect, or want of proper skill or misconduct; and a forfeiture of a due proportion of it, when a grade of service is rendered inferior to the mode of conveyance above stipulated; and that these forfeitures may be increased into penalties of a higher amount, according to the nature or frequency of the failure, and the importance of the mail; also, that fines may be imposed upon the contractors unless the delinquency be satisfactorily explained to the Postmaster General in due time, for failing to take from or deliver at a post office the mail, or any part of it; for suffering it to be wet, injured, lost, or destroyed; for carrying it in a place or manner that exposes it to depredation, loss or injury, by being wet, or otherwise; for refusing, after demand, to convey a mail by any steamboat which the contractors run or are concerned in running on the route, beyond the number of trips above specified; or for not arriving at the time set by the schedule, unless not caused by neglect, or want of proper skill or by misconduct. And for setting up or running an express to transmit letters or commercial intelligence in advance of the mail, or for transporting knowingly, or after being informed, any one engaged in transporting letters or mail in violation of the laws of the United States, a penalty of fifty dollars may be exacted for each offence and for each article so carried.

And it is hereby further stipulated and agreed, by the said contractors and their sureties, that the Postmaster General may annul the contract for repeated failures; for violating the post office laws; for disobeying the instructions of the department; for refusing to discharge a carrier, or any other person having charge of the mail by his direction, when required by the department; for assigning the contract without the consent of the Postmaster General; for setting up or running an express as aforesaid; or for transporting persons conveying mail matter out of the mail as aforesaid; or whenever the contractors or either of them shall become a postmaster, assistant postmaster, or member of Congress; and this contract shall, in all its parts, be subject to the terms and requisitions of an act of Congress passed on the twenty-first day of April, in the year of our Lord one thousand eight hundred and eight, entitled "An act concerning public contracts."

In witness whereof, the said Postmaster General has caused the seal of the Post Office Department to be hereto affixed, and has attested the same by his signature, and the said contractors and their sureties

have hereunto set their hands and seals, the day and year set opposite their names respectively.

JAMES CAMPBELL, <i>Postmaster General,</i>	[L. S.]
W. R. GLOVER, <i>May 20, 1853,</i>	[L. S.]
T. W. MATHER, <i>May 20, 1853.</i>	[L. S.]
A. G. SLOO, <i>May 20, 1853,</i>	[L. S.]
JOHN C. MATHER, <i>June 7, 1853,</i>	[L. S.]
G. M. BRIGHT, <i>June 14, 1853,</i>	[L. S.]
EDWIN CROSWELL, <i>June 8, 1853,</i>	[L. S.]

Signed sealed, and delivered, by the Postmaster General in the presence of—

JAMES N. DAVIS, *July 19, 1853.*

And by the other parties hereto in the presence of—

W. P. YOUNG, as to

W. R. GLOVER.

T. W. MATHER, and

A. G. SLOO.

D. M. CARRINGTON, as to

JOHN C. MATHER, and

EDWIN CROSWELL,

For G. M. BRIGHT.

D. P. FAULDS.

I hereby certify that I am well acquainted with John C. Mather and Edwin Croswell, and the condition of their property, and that after full investigation and inquiry, I am well satisfied that they are good and sufficient sureties for one hundred thousand dollars.

ISAAC V. FOWLER,

*Postmaster at New York.*

I hereby certify that I am well acquainted with G. M. Bright and A. G. Sloo, and the condition of their property, and after full investigation and inquiry, I am well satisfied that they are good and sufficient sureties for two hundred thousand dollars.

PHINEAS M. KENT,

*Postmaster, New Albany, Indiana.*

*The schedule of departures and arrivals.*

Leave Louisville daily at 5 p. m ; arrive at New Orleans in seven days, by 5 p. m.

Leave New Orleans daily at 5 p. m ; arrive at Louisville in seven days, by 5 p. m.

Leave Louisville daily at 9 a. m ; arrive at Evansville next day, by 10 a. m.

Leave Evansville daily at 11 a. m ; arrive at Cairo next day, by 11 a. m.

Leave Cairo daily at 7 a. m ; arrive at Evansville next day, by 7 a. m.

Leave Evansville daily at 8 a. m ; arrive at Louisville next day, by 9 a. m.

Leave St. Francisville at 8 a. m ; arrive at New Orleans next day, by 9 a. m.

Leave New Orleans daily at 9 a. m ; arrive at St. Francisville next day, by 10 a. m.

REPORT  
OF  
THE SECRETARY OF THE TREASURY.

IN ANSWER

*To a resolution of the Senate, calling for a statement of the amounts paid to the owners of certain vessels sunk for the defence of the harbor of Baltimore, in 1814.*

FEBRUARY 14, 1854.—Ordered to lie on the table and be printed.

TREASURY DEPARTMENT,  
*February 10, 1854.*

SIR: In compliance with the resolution of the Senate of the 31st January, 1854, directing the Secretary of the Treasury, "to communicate to the Senate a statement showing the amount of money that has been allowed and paid, under the acts of 26th June, 1834, and 29th May, 1830, to the owners respectively of the following named vessels, sunk for the defence of the harbor of Baltimore, to wit: Ship Scioto, schooner Packet, ship Packet, brig Ann, brig Betsey, brig George, ship Adriana, schooner Scudder, brig Blanche, brig Sally, ship Mars, sloop Rosanna, schooner Enterprise, brig Eliza, brig Swallow, schooner Columbia, ship Thomas Wilson, and ship Chesapeake," I have the honor to submit a letter of the Third Auditor of the Treasury, accompanied by a statement which embraces the information required.

It seems that other allowances have been made to the owners of the vessels in question, under the provisions of the act of 26th April, 1822, (Little & Brown, private laws, p. 265;) but as these allowances are not within the inquiry of the resolution, I have not deemed it proper to report them

I have the honor to be, your obedient servant,

JAMES GUTHRIE,  
*Secretary of the Treasury.*

Hon. D. R. ATCHISON,  
*President pro tem. United States Senate.*

TREASURY DEPARTMENT,  
*Third Auditor's Office, February 9, 1854.*

SIR: I have the honor to enclose, herewith, a statement, showing the amount of money that has been allowed and paid, under the acts of May 29, 1830, and June 26, 1834, upon awards made by the Third



Auditor, and approved by the Secretary of the Navy, to the owners respectively, (or their legal representatives,) of the following named vessels, sunk for the defence of the harbor of Baltimore in 1814, to wit: Ship Scioto, schooner Packet, ship Packet, brig Ann, brig Betsy, brig George, ship Adriana, schooner Scudder, brig Blanche, brig Sally, ship Mars, sloop Rosanna, schooner Enterprise, brig Eliza, brig Swallow, schooner Columbia, ship Thomas Wilson, and ship Chesapeake, amounting altogether to the sum of \$28,336<sup>11</sup>/<sub>16</sub>, in obedience to a resolution of the Senate of the 31st ultimo, and referred by you to this office on the 4th instant.

Although not asked for by the resolution, I think it proper to advise you that other allowances have been made upon the vessels sunk for the defence of Baltimore, by the Secretary of the Navy, under the act of the 26th of April, 1822, as appears by a letter addressed to the Fourth by the Third Auditor, on the 22d of June, 1830, a copy of which I enclose herewith.

I am, very respectfully, your obedient servant,

F. BURT, *Auditor.*

Hon. JAMES GUTHRIE,  
*Secretary of the Treasury.*

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TREASURY DEPARTMENT,

*Third Auditor's Office, June 22, 1830.*

SIR: Having occasion, in the execution of the duty required of me by the act of the last session of Congress, for the relief of sundry owners of vessels sunk for the defence of Baltimore, for the papers whereon allowances were heretofore made by the Secretary of the Navy, under laws passed on the 26th April, 1822, and the 3d March, 1825, and also for a statement of the sums paid to such owners respectively, or to their representatives, you will oblige me by transmitting the same to this office. The papers shall be returned to your files, when they shall have served the purpose for which I want them.

Very respectfully, your obedient servant,

PETER HAGNER, *Auditor.*

AMOS KENDALL, Esq.  
*Fourth Auditor.*

*Statement of awards made under the acts of Congress of May 29, 1830, and June 26, 1834, entitled "An act for the relief of sundry owners of vessels sunk for the defence of Baltimore in the year 1814."*

Names of vessels.	Amount.	Names of owner or owners.
Ship Scioto.....	\$4,000 00	S. Smith, James A. Buchanan, and James Deale.
Schooner Packet.....	325 00	Thomas Hollingsworth and Samuel Hollingsworth.
Ship India Packet.....	1,687 50	Levi Hollingsworth and Andrew Clopper.
Brig Ann.....	875 00	Thomas Hollingsworth and Samuel Hollingsworth.
Brig Betsy.....	267 25	Henry Newport.
Brig George.....	1,562 50	William Patterson & Sons.
Ship Adriana.....	4,125 00	S. Smith, James A. Buchanan, John Hollins, John S. Hollins, Michael McBlair, and Lemuel Taylor.
Schooner Scudder.....	1,562 50	Elie Clagett.
Brig Blanche.....	1,309 25	Levi Clagett.
Brig Sally.....	1,107 50	James H. Causten.
Ship Mars.....	771 66	Obad Mitchell and Obed Fitch.
Sloop Rosanna.....	337 50	William Thornton and Alexander Smoot.
Schooner Enterprise.....	375 00	Luther Bixby and Simpson Clark.
Brig Eliza.....	1,248 22	Thomas Chase.
Brig Swallow.....	1,550 00	Peter Rescaniere.
Schooner Columbia.....	375 00	Timothy Baker, Joseph Crowell, and Thomas Sheverick, jr.
Ship Thomas Wilson.....	3,186 50	John Donnell.
Ship Chesapeake.....	3,671 25	Do.
Total awards.....	28,336 63	



PART II.

REPORT

OF

THE SECRETARY OF THE TREASURY,

IN

*Further reply to a resolution of the Senate calling for a statement of the amounts paid to owners of vessels sunk for the defence of Baltimore.*

MARCH 2, 1854.—Ordered to lie on the table and be printed

TREASURY DEPARTMENT, *March 1, 1854.*

SIR: Referring to the report made by this department on the 10th February, 1854, in compliance with the resolution of the Senate of the 31st January, calling for information of the sums paid to the owners of certain vessels sunk for the defence of Baltimore, I have now the honor to transmit a more comprehensive statement, prepared by the Third Auditor, than was then furnished, showing the several payments made under said different acts of Congress, namely: of 29th April, 1816, 20th April, 1822, 3d March, 1825, May, 1830, and June, 1834, and the aggregate of the whole.

I am, very respectfully,

JAMES GUTHRIE,

*Secretary of the Treasury.*

Hon. DAVID R. ATCHISON,

*President, pro tempore, U. S. Senate.*

*Statement showing the amount allowed and paid through the offices of the Third and Fourth Auditors, for damages, detention, &c., of vessels sunk for the defence of Baltimore, in the year 1814, under the acts of Congress of April 29, 1816, April 26, 1822, March 3, 1825, (special act,) May 29, 1830, and June 26, 1834.*

Names of vessels.	Amounts allowed and paid.				Total.	Names of owner or owners.
	Act of April 29, 1816.	Act of April 26, 1822.	Act of March 3, 1825.	Acts of May, 1830, and June, 1834.		
Ship Scioto.....	\$755 00	\$1,624 35	.....	\$4,000 00	\$6,379 35	Sam Smith, James A. Buchanan, and James Deale.
Ship Adriano.....	300 00	1,306 41	.....	4,125 00	5,733 41	James A. Buchanan, Sam Smith, Jno. S. Collins, Jno. Hollins, Michael McBlair, and Lemuel Taylor.
Ship Mars.....	649 50	1,903 99	.....	771 66	3,325 15	Henry Payson, Obed Mitchell, and Obed Fitch.
Ship India Packet.....	1,553 00	2,890 73	.....	1,687 50	6,131 23	Levi Hollingsworth and Andrew Clopper.
Ship Nancy.....	1,000 00	3,846 15	.....	1,397 50	6,243 65	Robert Barry and Washington Hall.
Ship Temperance.....	880 00	1,995 62	.....	.....	2,875 62	Charles F. Kalkman.
Ship Chesapeake.....	.....	4,357 10	.....	3,671 25	18,185 22	John Donnell.
Ship Thomas Wilson.....	2,045 00	4,925 37	.....	3,186 50	.....	George Stiles.
Ship Fabius.....	.....	1,397 01	.....	.....	17,154 98	Peter Roscamine and M. Pascall and others.
Brig Aid.....	1,035 00	3,693 11	\$10,633 06	.....	3,268 95	John Craig and Edward Wynne.
Schooner Ann.....	.....	437 80	.....	1,550 00	2,893 18	James H. Caustin.
Brig Swallow.....	715 00	1,003 95	.....	.....	3,153 27	Thomas Chase.
Brig Father & Sons.....	250 00	663 51	.....	1,248 22	1,389 95	Samuel Sterritt and Henry Newport.
Brig Sally.....	675 00	1,110 68	.....	267 25	3,412 44	William Patterson & Sons.
Brig Eliza.....	529 00	1,376 05	.....	1,563 50	8,138 17	Elie Clagett.
Brig Betsy.....	150 00	972 70	.....	1,309 25	3,146 19	Thomas and Samuel Hollingsworth.
Brig George.....	247 00	1,602 94	.....	1,563 50	1,046 40	Timothy Baker, Jos. Crowell, and Thos. Shevenik, jr.
Brig Blanche.....	.....	885 47	.....	875 00	1,283 11	Besley, Clark, Vos & Worthington.
Schooner Scudder.....	3,297 00	1,083 95	.....	325 00	1,238 03	Alexander S. Smith and William Thornton.
Brig Ann.....	.....	1,055 79	.....	375 00	.....	
Schooner Packet.....	355 00	537 40	.....	375 00	.....	
Schooner Columbia.....	140 00	531 40	.....	337 50	.....	
Schooner Enterprise.....	413 00	495 11	.....	.....	.....	
Sloop Rosanna.....	200 00	700 53	.....	.....	.....	
Total under each act.....	15,188 50	40,358 12	10,633 06	29,734 13	95,913 81	

In consequence of the destruction of the accounts by the burning of the treasury building, in 1833, it has been impossible to ascertain the amount awarded and paid on each vessel under the act of 29th April, 1816. When two or more were owned by the same person or parties, as in the cases of the ships Chesapeake and Thomas Wilson, owned by John Donnell; the ship Fabius, brig Aid, and schooner Ann, owned by George Stiles; the brig Blanch and schooner Scudder, owned by Elie Clagett, and the brig Ann and schooner Packet, owned by Thomas and Samuel Hollingsworth—in these cases the amounts paid on each vessel under the respective acts of 1822, 1830, and 1834, only are given, with the aggregates received altogether, under all the laws passed upon the subject.

F. BURT, *Third Auditor.*

TREASURY DEPARTMENT,

*Third Auditor's Office, March 1, 1854.*



REPORT  
OF  
THE SECRETARY OF THE TREASURY,

IN COMPLIANCE

*With a resolution of the Senate of March 28, 1853, in regard to the prices  
of various kinds of iron.*

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FEBRUARY 20, 1854.—Referred to the Committee on Finance and ordered to be printed.

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TREASURY DEPARTMENT, *February 16, 1854.*

SIR: In compliance with the resolution of the Senate of the 28th of March last, directing the Secretary of the Treasury "to report the average prices annually of bar iron, (merchantable,) manufactured by rolling; bar iron, (merchantable,) manufactured otherwise than by rolling; railroad iron, manufactured by rolling, and pig iron, for the last ten years preceeding 1853, in the foreign markets of production or shipment; and also the average prices annually of the same descriptions of iron at New York and Pittsburg, for the same period; together with the charges for freight, insurance, and commission," I have the honor to transmit, herewith, a tabular statement, together with the reports and returns, numbered from 1 to 9, from which the information given was obtained.

Very respectfully, your obedient servant,

JAMES GUTHRIE,

*Secretary of the Treasury.*

Hon. D. R. ATCHISON,

*President pro tem. United States Senate.*



*Statement of the average price of merchantable bar iron at Liverpool, New York, and Pittsburg, for ten years, from 1843 to 1852, inclusive.*

	1843.	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.	1852.	Average.
Liverpool, England .....	\$23 51	\$25 98	\$41 07	\$43 31	\$45 12	\$31 89	\$29 04	\$25 08	\$24 28	\$28 57	\$31 78½
New York .....	57 00	62 00	67 75	77 50	73 75	60 00	47 50	43 50	36 50	39 75	56 52½
Pittsburg .....	59 00	60 00	60 00	59 00	59 00	59 00	53 50	50 00	44 00	51 00	55 45

*Average price of best refined iron at Liverpool and New York, for ten years, from 1843 to 1852, inclusive.*

	1843.	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.	1852.	Average.
Liverpool, England.....	\$32 91	\$36 37	\$57 50	\$60 63	\$63 17	\$44 65	\$66 50	\$40 65	\$33 99	\$39 99	\$47 64½
New York.....	73 75	77 50	90 00	87 50	85 00	71 25	62 50	56 25	57 50	83 75	*74 50

\* At six months' credit.

*Average price of railroad iron in the foreign market of production, and at New York, for ten years, from 1843 to 1852, inclusive.*

	1843.	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.	1852.	Average.
In Wales.....	\$31 29	\$32 49	\$52 23	\$50 01	\$43 64	\$29 73	\$25 29	\$24 36	\$27 00	\$29 06	\$34 51
New York.....	55 50	.....	.....	69 50	64 56	52 50	50 00	39 50	40 75	\$50 60	42 20½
										\$49 75	

\* In March.

† In July.

‡ Average.

§ In November.



*Average price of pig iron at Glasgow, Scotland, New York, and Pittsburg, for ten years, from 1843 to 1852, inclusive.*

	1843.	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.	1852.	Average.
Glasgow, Scotland.....	\$10 89	\$17 66½	\$18 39	\$16 21½	\$15 73	\$10 72½	\$11 03	\$10 72½	\$9 68	\$11 05	\$13 21
New York.....	26 28	30 53	32 91	34 58	30 83	25 34½	22 93½	21 07½	20 62½	22 48	26 76
Pittsburg.....	22 00	28 00	28 30	27 90	29 90	27 60	24 20	23 20	23 00	31 60	26 57

*The Liverpool metal review, per Niagara of 15th instant.*

MAKERS' PRICES CURRENT.

	Price per ton.					
<i>Delivered (F. O. B.) in Liverpool.</i>						
Bars—						
Shropshire (R) .....	£	s.	d.	£	s.	d.
Mersey, best.....	9	5	0	9	10	0
Mills .....	9	10	0	0	0	0
Mitre.....	9	12	6	9	15	0
Best Sable 00.....	9	12	6	0	0	0
( < ) 00, best (tough).....	9	10	0	0	0	0
( < ) 00, best axe and plating (tough).....	10	15	0	0	0	0
Best hammered or planished .....	10	12	6	0	0	0
Ketley 00, best .....	9	12	6	0	0	0
Bagnall's 1B.....	9	15	0	0	0	0
Bagnall's 1B, best.....	10	12	6	10	15	0
Banks' best RB00 (tough) .....	10	5	0	10	7	6
Lowmoor.....	15	2	6	0	0	0
Slit rods and caseiment—						
Common makes.....	9	5	0	9	10	0
Level (tough).....	9	12	6	0	0	0
W. H.....	9	15	0	10	0	0
Hoops—						
Common makes.....	10	7	6	10	10	0
BB00 (tough).....	10	10	0	10	12	6
Albion .....	10	12	6	0	0	0
Mitre.....	10	12	6	0	0	0
Bagnall's.....	10	12	6	0	0	0
Sheets, singles—						
Ordinary makes.....	11	5	0	11	7	6
BB00 and RR00.....	11	10	0	0	0	0
Tivdale .....	11	17	6	0	0	0
Sable 00 .....	11	12	6	0	0	0
Mitre.....	11	12	6	0	0	0
Bagnall's.....	11	12	6	0	0	0
Best charcoal.....	19	0	0	20	0	0
Canada plates .....	13	10	0	14	10	0
Boiler plates—						
Shropshire .....	11	7	6	11	10	0
Best BB00.....	11	15	0	11	17	6
Best BB00 (double worked).....	12	15	0	0	0	0
Angle iron—						
Best Shropshire.....	9	17	6	10	0	0
Best BB00 .....	10	0	0	0	0	0
Engle.....	10	7	6	0	0	0
T iron, 10s. per ton over angles.....						
Best Engle loco. tire bars, to 3 cwt. each.....	11	0	0	0	0	0
Best best.....do.....do.....	12	0	0	0	0	0
Bending tires, 5s. per ton extra.....						
Fine rounds and squares, a good article—						
9-16 and ½-inch.....	9	5	0	9	10	0
7-16 inch.....	9	15	0	0	0	0
¾ inch .....	10	5	0	0	0	0
5 16 inch.....	10	15	0	0	0	0
¼ inch .....	11	5	0	0	0	0
3 16 inch.....	12	15	0	0	0	0
Mills—						
Second quality swarf.....	13	2	6	0	0	0
First.....do.....	18	2	6	0	0	0
Discount for cash as customary.						

Discount for cash as customary.

## No. 1—Continued.

*Best Staffordshire chains and cables, (short link,) delivered in Liverpool.*

	Per cwt.— proved.
	£ s. d.
1 inch.....	0 14 0
1½-16 inch.....	0 14 3
¾ inch.....	0 14 6
1¾-16 inch.....	0 14 9
¾ inch.....	0 15 0
1½-16 inch.....	0 15 3
¾ inch.....	0 15 9
9-16 inch.....	0 16 0
¾ inch.....	0 16 6
7-16 inch.....	0 17 3
¾ inch.....	0 18 9
5-16 inch.....	1 1 0
¾ inch.....	1 4 0
3-16 inch.....	1 13 6
If stud, (to ¾ inch inclusive,) 3d. per cwt. less; 2½ per cent. discount for cash.	
Shipping charges, 1s. 6d. to 2s. 6d. per ton.	

*In Wales, (F. O. B.)*

	Price per ton.					
	£	s.	d.	£	s.	d.
Bars—						
Ordinary makes.....	8	0	0	8	5	0
Clydack and C—L.....	8	5	0	0	0	0
Best Blaenavon, C—DP cable.....	9	0	0	0	0	0
Spike iron, 9-16 square.....	9	5	0	0	0	0
M00 best charcoal tin plates, and other good brands, per 100....	1	11	0	1	11	6
Coke tin plates, per 100.....	1	6	0	0	0	0
Pig iron, No. 3, Grey forge.....	4	2	6	0	0	0
Pig iron, No. 1, foundry.....	4	5	0	4	10	0
Refined metal (usual discount for cash).....	5	0	0	0	0	0
Rails (net).....	8	5	0	8	10	0

*In Glasgow, (F. O. B.)*

Bars, ordinary makes, £8 12s. 6d. to £8 15. Discount ¼ per cent. for prompt cash. No. 1 Gartsherrie pig iron, (net cash,) £3 12s.

*In Liverpool, (F. O. B.)*

Welsh bars, ordinary makes, £8 12s. 6d.; Clydack and C—L, £8 15s.; best charcoal tin plates, per 100, 31s. 9d. to 32s. 6d.; coke tin plates, per 100, 25s. to 26s. Discount 3 per cent. for prompt cash. No. 1 Gartsherrie pig iron, (net cash,) £4 6s. to £4 8s.; Staffordshire rails, (net,) £8 15s.

*Delivered in Liverpool.*

Block and ingot tin, 122s. per cwt.; bar tin, 123s. per cwt.; pig lead, £22 per ton; sheet lead, £22 10s. per ton; lead pipe, £23 10s. per ton; lead shot, £24 per ton; sheet copper, 16 ounces and above; bar and bolt copper, 12d. per pound; yellow metal, 10½d. per pound; tile and tough cake copper, 107s 10d.; spelter, £22 10s. to £23; sheet zinc, £30 10s. Discounts—2 per cent. off tin; 1½ per cent. off lead; 2½ per cent. off copper; 1½ per cent. off zinc; spelter, net cash.

3 TOWER CHAMBERS, *Liverpool*, October 14, 1853.

The iron masters held yesterday their quarter's meeting, resolving to let prices be as they are—leaving each to do his best. The makers, generally, are well supplied with orders, and are refusing to take more at present.

Welsh bars, good sizes, continue scarce, and in good demand; hoops, sheets, scarce—in good demand; best boiler plates, the demand enormous; tin plates, quiet—demand not so good; block tin, firm, with increased demand; Scotch pigs, advancing—export demand on the increase.

Subjoined and annexed is a list of prices of merchantable bar iron here for the last forty-seven years, which may prove interesting.

Soliciting your commands, I am your obedient servant,

FRED. ROBISON.

MESSRS. EGGLESTON BATTALL & Co., *New York*.

No. 1—Continued.

*Statement of the selling price of merchantable bar iron in Liverpool, from 1806 to 1816, inclusive.*

Date.	Price per ton.	Date.	Price per ton.
1806.	£ s. d.	1813.	£ s. d.
May .....	17 10 0	February .....	12 10 0
July .....	17 0 0	April .....	12 5 0
November .....	16 0 0	June .....	12 0 0
		December .....	13 0 0
1807.			
January .....	16 0 0	1814.	
February .....	17 0 0	February .....	13 10 0
March .....	16 0 0	March .....	13 0 0
July .....	16 0 0	April .....	13 10 0
August .....	15 10 0	May .....	14 0 0
September .....	15 0 0	June .....	13 15 0
1808.	14 10 0	August .....	13 10 0
		November .....	13 5 0
1809.			
January .....	15 10 0	1815.	
February .....	16 0 0	February .....	13 10 0
March .....	15 0 0	May .....	13 0 0
September .....	14 10 0	June .....	12 10 0
October .....	14 5 0	June 30 .....	12 0 0
		July 20 .....	11 10 0
1810.		August .....	11 0 0
January .....	14 10 0	December .....	11 10 0
June .....	14 5 0		
September .....	14 0 0	1816.	
October .....	15 0 0	March .....	11 0 0
		April .....	10 15 0
1811.		June .....	10 10 0
August .....	14 10 0	July .....	10 0 0
September .....	14 0 0	July .....	9 15 0
		August .....	9 10 0
1812.		October .....	9 0 0
May .....	13 13 0	October .....	8 15 0
June .....	13 5 0		
July .....	13 10 0		
October 1 .....	13 5 0		
October 22 .....	12 15 0		
December .....	13 0 0		

## No. 1.—Continued.

*Statement of the selling price of merchantable bar iron, in Liverpool, from 1817 to 1853, inclusive.*

Date.	Price per ton.	Date.	Price per ton.
	£ s. d.		£ s. d.
1817.		1830.	
February.....	8 10 0	1831.	6 0 0
March.....	9 10 0	1832.	5 10 0
July.....	10 10 0		
August.....	12 0 0	1835.	
October.....	13 0 0	February.....	6 5 0
		September.....	7 0 0
1818.		October.....	7 10 0
February.....	12 15 0	November.....	8 0 0
April.....	11 15 0	December.....	8 5 0
May.....	11 5 0		
June.....	10 15 0	1836.	
August.....	10 0 0	January.....	10 10 0
September.....	11 10 0	April.....	11 11 0
December.....	12 10 0	July.....	11 5 0
		October.....	11 0 0
1819.		November.....	10 15 0
May.....	11 10 0	December.....	10 10 0
June.....	11 0 0		
		1837.	
1820.		February.....	10 5 0
March.....	10 10 0	March.....	9 15 0
June.....	9 10 0	May.....	9 0 0
1821.....	9 0 0	June.....	8 10 0
1822.....	8 10 0	July.....	7 5 0
1823.....	8 0 0	August.....	6 15 0
		Do.....15.....	7 5 0
1824.		Do.....19.....	8 0 0
January.....	8 15 0	Do.....31.....	8 15 0
July.....	9 15 0	September.....	9 10 0
September.....	10 0 0	December.....	9 15 0
October.....	11 0 0		
Do.....	11 10 0	1838.	
Do.....	13 0 0	January.....	9 10 0
November.....	12 10 0	December.....	9 15 0
December.....	13 0 0		
		1839.	
1825.		January.....	10 5 0
January.....	14 0 0	May.....	10 0 0
February.....	15 0 0	June.....	9 15 0
March.....	14 10 0	September.....	9 10 0
April.....	14 0 0		
August.....	13 0 0	1840.	
Do.....	12 10 0	January.....	9 0 0
September.....	11 10 0	December.....	8 0 0
1826.		1841.	
January.....	11 0 0	April.....	7 15 0
April.....	10 10 0		
May.....	9 10 0	1842.	
October.....	10 0 0	January.....	6 10 0
		December.....	5 5 0
1827.			
March.....	9 10 0	1843.	
1828.....	8 0 0	April.....	5 0 0
1829.....	7 0 0	June.....	4 10 0

## No. 1—Continued.

Date.	Price per ton.				Date.	Price per ton.			
1843.	£	s.	d.	£	s.	d.	£	s.	d.
July.....	4	10	0	a	4	15	0		
August.....	4	10	0	a	4	15	0		
September.....	5	0	0	a	5	10	0		
October.....	5	0	0	a	0	0	0		
November.....	5	0	0	a	4	15	0		
December.....	5	0	0	a	4	10	0		
1844.									
January.....	4	10	0	a	0	0	0		
February.....	4	10	0	a	4	15	0		
March.....	4	15	0	a	5	5	0		
April.....	5	10	0	a	0	0	0		
May.....	6	0	0	a	0	0	0		
June.....	6	0	0	a	5	15	0		
July.....	5	15	0	a	5	10	0		
August.....	5	10	0	a	0	0	0		
September.....	5	5	0	a	0	0	0		
October.....	5	10	0	a	0	0	0		
November.....	5	5	0	a	5	10	0		
December.....	5	10	0	a	6	0	0		
1845.									
January.....	6	10	0	a	0	0	0		
January 30.....	7	10	0	a	9	0	0		
March.....	9	10	0	a	0	0	0		
March 5.....	10	0	0	a	0	0	0		
April.....	10	0	0	a	0	0	0		
May.....	9	0	0	a	8	0	0		
June.....	8	0	0	a	0	0	0		
July.....	8	0	0	a	7	10	0		
August.....	7	10	0	a	0	0	0		
September.....	8	0	0	a	8	15	0		
October.....	9	0	0	a	9	10	0		
November.....	9	10	0	a	9	0	0		
December.....	9	0	0	a	9	0	0		
1846.									
January.....	9	0	0	a	9	0	0		
February.....	9	0	0	a	0	0	0		
March.....	9	0	0	a	0	0	0		
April.....	9	0	0	a	0	0	0		
May.....	8	15	0	a	8	10	0		
June.....	8	10	0	a	0	0	0		
July.....	8	10	0	a	8	15	0		
August.....	8	15	0	a	9	5	0		
September.....	9	5	0	a	0	0	0		
October.....	9	5	0	a	0	0	0		
November.....	9	5	0	a	0	0	0		
December.....	9	10	0	a	0	0	0		
1847.									
January.....	9	15	0	a	9	10	0		
February.....	9	10	0	a	0	0	0		
March.....	9	10	0	a	0	0	0		
April.....	9	10	0	a	0	0	0		
May.....	9	5	0	a	0	0	0		
July.....	9	10	0	a	0	0	0		
August.....	9	7	6	a	0	0	0		
September.....	9	10	0	a	0	0	0		
October.....	9	5	0	a	0	0	0		
November.....	9	0	0	a	0	0	0		
December.....	8	5	0	a	0	0	0		
1848.									
January.....	8	0	0	a	0	0	0		
February.....	8	0	0	a	7	15	0		
March.....	7	5	0	a	0	0	0		
April.....	7	5	0	a	0	0	0		
May.....	6	10	0	a	0	0	0		
June.....	6	5	0	a	0	0	0		
July.....	6	5	0	a	0	0	0		
August.....	6	5	0	a	0	0	0		
September.....	6	5	0	a	0	0	0		
October.....	6	0	0	a	0	0	0		
November.....	5	15	0	a	5	10	0		
December.....	5	5	0	a	0	0	0		
1849.									
January.....	5	15	6	a	6	0	0		
February.....	6	0	0	a	6	15	0		
March.....	7	0	0	a	6	15	0		
April.....	6	10	0	a	6	5	0		
May.....	6	5	0	a	5	10	0		
June.....	5	5	0	a	0	0	0		
July.....	5	10	0	a	0	0	0		
August.....	5	10	0	a	0	0	0		
September.....	5	10	0	a	0	0	0		
October.....	5	7	6	a	0	0	0		
November.....	5	10	0	a	5	12	6		
December.....	5	12	6	a	5	15	0		
1850.									
January.....	5	12	6	a	5	15	0		
February.....	5	10	0	a	5	12	6		
March.....	5	10	0	a	5	7	6		
April.....	5	5	0	a	5	0	0		
May.....	5	0	0	a	4	17	6		
June.....	4	15	0	a	5	0	0		
July.....	5	0	0	a	0	0	0		
August.....	4	17	6	a	5	0	0		
September.....	4	17	6	a	5	0	0		
October.....	4	17	6	a	5	0	0		
November.....	5	0	0	a	0	0	0		
December.....	5	2	6	a	5	0	0		
1851.									
January.....	5	7	6	a	0	0	0		
February.....	5	5	0	a	5	7	6		
March.....	5	2	6	a	0	0	0		
April.....	5	2	6	a	0	0	0		
May.....	5	0	0	a	0	0	0		
June.....	4	17	6	a	5	0	0		
July.....	4	17	6	a	5	0	0		
August.....	4	17	6	a	5	0	0		
September.....	4	17	6	a	5	0	0		
October.....	4	17	6	a	5	0	0		
November.....	4	17	6	a	4	18	9		
December.....	4	17	6	a	0	0	0		
1852.									
January.....	4	17	6	a	5	0	0		
February.....	4	15	0	a	4	17	6		
March.....	4	15	0	a	0	0	0		
April.....	4	15	0	a	0	0	0		
May.....	4	17	6	a	0	0	0		
June.....	5	5	0	a	0	0	0		

## No. 1—Continued.

Date.	Price per ton.						Date.	Price per ton.							
1852.	£	s.	d.	£	s.	d.	1853.	£	s.	d.	£	s.	d.		
July.....	5	10	0	a	0	0	0	January.....	8	15	0	a	9	0	0
August.....	5	10	0	a	5	12	6	February.....	9	0	0	a	9	5	0
September.....	5	17	6	a	6	0	0	March.....	8	17	6	a	0	0	0
October.....	7	0	0	a	0	0	0	April.....	8	12	6	a	8	10	0
November.....	7	7	6	a	7	10	0	May.....	8	7	6	a	8	2	6
December.....	8	5	0	a	8	10	0	June.....	7	15	0	a	0	0	0
								July.....	7	15	0	a	0	0	0
								August.....	8	12	6	a	8	15	0
								September.....	8	12	6	a	8	15	0

FREDERICK ROBISON.

*Metal Factor, 3 Tower Chambers, Liverpool.*



## No. 2.

*Monthly prices of railroad iron at Newport, (Wales,) from January 1, 1843, to December 31, 1852—10 years.*

Years.	January.			February.			March.			April.			May.			June.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
1843 <sup>a</sup> .....	6	10	0	6	0	0	5	7	6	5	0	0	6	15	0	7	0	0
1844.....	8	0	0	9	5	0	12	0	0	12	0	0	12	0	0	11	0	0
1845.....	11	10	0	12	0	0	10	10	0	10	0	0	9	0	0	9	10	0
1846.....	9	10	0	9	15	0	9	0	0	9	0	0	9	0	0	8	15	0
1847.....	7	5	0	7	10	0	7	5	0	6	10	0	6	0	0	6	0	0
1848.....	5	10	0	5	15	0	5	15	0	5	12	6	6	5	0	4	15	0
1849.....	5	5	0	5	7	6	5	0	0	4	15	0	4	15	0	4	15	0
1850.....	4	17	6	4	17	6	5	5	0	4	17	6	5	0	0	5	0	0
1851.....	4	12	6	4	15	0	4	12	6	4	12	6	5	5	0	5	15	0
1852.....																		

<sup>a</sup> An average of about £6 10s. per ton, taking the entire year.

## No. 2—Continued.

Years.	July.		August.		September.		October.		November.		December.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1843*	7 0 0	7 15 0	7 0 0	7 15 0	7 0 0	7 15 0	6 0 0	0 0 0	6 0 0	0 0 0	6 10 0	0 0 0
1844.....	10 0 0	0 0 0	10 0 0	0 0 0	9 15 0	0 0 0	11 0 0	0 0 0	12 0 0	0 0 0	10 0 0	0 0 0
1845.....	9 10 0	0 0 0	9 15 0	0 0 0	10 0 0	0 0 0	9 15 0	0 0 0	9 10 0	0 0 0	9 0 0	0 0 0
1846.....	8 10 0	0 0 0	8 10 0	0 0 0	8 10 0	0 0 0	8 0 0	0 0 0	7 10 0	0 0 0	7 0 0	0 0 0
1847.....	6 0 0	0 0 0	5 15 0	0 0 0	5 10 0	0 0 0	5 10 0	0 0 0	5 0 0	0 0 0	5 10 0	0 0 0
1848.....	5 0 0	0 0 0	5 5 0	0 0 0	5 0 0	0 0 0	4 15 0	0 0 0	5 0 0	0 0 0	5 0 0	0 0 0
1849.....	4 15 0	0 0 0	4 12 6	0 0 0	4 12 6	0 0 0	4 15 0	0 0 0	4 17 6	0 0 0	4 17 6	0 0 0
1850.....	4 17 6	0 0 0	4 17 6	0 0 0	4 17 6	0 0 0	4 15 0	0 0 0	4 15 0	0 0 0	4 15 0	0 0 0
1851.....	5 15 0	0 0 0	5 10 0	0 0 0	6 5 0	0 0 0	7 0 0	0 0 0	7 10 0	0 0 0	8 10 0	0 0 0
1852.....												

\* An average of about £6 10s. per ton, taking the entire year.

## No. 2—Continued.

*Glasgow prices of pig iron, from January 1, 1842, to January 31, 1852—  
10 years.*

Date.	Price.	Date.	Price.
1842.	£ s. d.	1847.	£ s. d.
January.....	3 0 0	January.....	3 15 0
April.....	3 0 0	April.....	3 15 0
July.....	2 10 0	July.....	3 10 0
October.....	2 10 0	October.....	3 10 0
1843.		1848.	
January.....	2 10 0	January.....	2 10 0
April.....	2 0 0	April.....	2 5 0
July.....	2 0 0	July.....	2 5 0
October.....	2 5 0	October.....	2 2 6
1844.		1849.	
January.....	2 5 0	January.....	2 5 0
April.....	2 15 0	April.....	2 7 6
July.....	3 10 0	July.....	2 5 0
October.....	2 15 0	October.....	2 2 6
1845.		1850.	
January.....	3 5 0	January.....	2 10 0
April.....	6 0 0	April.....	2 2 6
July.....	4 0 0	July.....	2 7 0
October.....	4 10 0	October.....	2 2 0
1846.		1851.	
January.....	4 5 0	January.....	2 5 0
April.....	3 10 0	April.....	2 0 0
July.....	3 5 0	July.....	1 18 0
October.....	3 15 0	October.....	2 0 0

Making an average price of 56s. 8d. per ton for 10 years.

NEW YORK, January 6, 1854.

There were intermediate variations in the price of pig iron, but the above gives a fair indication of the ruling prices.

The foregoing tables present the average price of railroad iron at Newport, in Wales, and the price of pig iron at Glasgow, for 10 years, ending January 1 and December 31, 1852, in reply to your request.

Respectfully, your obedient servant,

WILLIAM JACKSON,  
*Examiner of Metals.*

To the Hon. Appraisers, Messrs. WILLIS, BRIGGS and PHILLIPS.

*Average price of railroad iron in Wales, from 1843 to 1852, inclusive.*

Years.	Price.	Per ton, net.
	£ s. d.	
1843.....	6 9 0	\$31 21 08
1844.....	6 14 3	32 48 85
1845.....	10 15 10	52 23 16
1846.....	10 6 8	50 01 33
1847.....	9 0 4	43 64 06
1848.....	6 2 10	29 72 56
1849.....	5 4 6	25 28 09
1850.....	5 0 8	24 36 13
1851.....	5 11 7	27 00 31
1852.....	6 0 1	29 06 01
Average for 10 years.....	7 2 63-5	34 50 31

*Note.*—The above prices are for shipments made at any port in Wales. When shipped from Liverpool or London 7s. 6d. per ton to be added to the above prices. 7s. 6d. = \$1 81 5.

## No. 4.

*Report of the average prices, annually, of bar iron, merchantable, manufactured by rolling; bar iron, merchantable, manufactured otherwise than by rolling; railroad iron, manufactured by rolling, and pig iron, for the last ten years preceding 1853, in the foreign markets of production or shipment, together with the charge for commissions, as nearly as the same can be ascertained from examination of the invoices of importation in the appraisers' office, at Boston, Massachusetts.*

Years.	Prices of merchantable bar iron, manufactured by rolling.			Average.			Prices of merchantable bar iron, manufactured otherwise than by rolling.			Average.			Prices of railroad iron manufactured by rolling.			Average.			Prices of pig iron.			Average.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
1843.....	4	15	0	5	2	6	7	15	0	8	7	6	6	5	0	6	10	0	2	5	0	2	7	6
1844.....	5	0	0	5	12	6	7	10	0	7	10	0	5	0	0	5	10	0	2	10	0	3	5	0
1845.....	6	5	0	8	5	0	7	15	0	8	7	6	5	10	0	10	0	0	4	10	0	5	10	0
1846.....	8	10	0	9	0	0	9	5	0	9	10	0	10	12	0	10	12	0	4	15	0	4	15	0
1847.....	8	15	0	9	7	6	9	15	0	10	2	6	8	15	0	9	10	0	4	0	0	4	0	0
1848.....	6	5	0	8	0	0	9	5	0	9	10	0	7	0	0	9	5	0	2	15	0	2	15	0
1849.....	5	5	0	5	17	6	9	5	0	9	5	0	5	5	0	7	5	0	2	15	0	2	15	0
1850.....	4	15	0	5	2	6	9	5	0	9	7	6	5	10	0	5	10	0	2	5	0	2	15	0
1851.....	4	10	0	4	15	0	10	0	0	10	0	0	4	15	0	5	10	0	2	5	0	2	10	0
1852.....	4	10	0	6	15	0	9	10	0	9	15	0	4	0	0	5	10	0	2	15	0	2	15	0

NOTE.—There are no means within reach of the appraisers for ascertaining the charges of freight and insurance.

The average charges for commissions in each of the above ten years is two and one half per cent on the above prices.

The means of ascertaining the average prices of the same descriptions of iron at New York and Pittsburgh are not within the reach of the appraisers at this port.

APPRAISERS OFFICE, Boston, November 1, 1853.

C. J. F. ALLEN,  
HENRY CROCKER,

United States Appraisers.

*Scotch pig iron—realized annual averages of an approved brand.*

Years.	Price.		
	£	s.	d.
1841.....	3	6	4
1842.....	2	15	7
1843.....	2	3	11
1844.....	2	11	0
1845.....	3	15	5
1846.....	3	13	10
1847.....	3	11	1
1848.....	2	7	0
1849.....	2	5	3
1850.....	2	4	10
1851.....	2	1	0
1852.....	2	1	7
1853 (for 9 months).....	2	17	9

*Estimated annual production and stock on hand.*

Years.	Tons.	
1841.....	300,000	.....
1842.....	309,000	.....
1843.....	299,250	.....
1844.....	315,000	.....
1845.....	340,000	240,000
1846.....	580,000	144,000
1847.....	540,000	80,000
1848.....	600,000	98,000
1849.....	620,000	194,000
1850.....	630,000	275,000
1851.....	775,000	350,000
1852.....	780,000	450,000

NOTE.—It is reported that, at the close of this year, the stock on hand will be somewhere about 300,000 tons.

GLASGOW, November 25, 1853.

*Glasgow prices of pig iron, from 1841 to 1853, inclusive.*

Date.	Per ton.	Date.	Per ton.
1841.	£ s. d.	1848.	£ s. d.
January.....	3 15 0	January.....	2 10 0
April.....	3 10 0	April.....	2 5 0
July.....	3 0 0	July.....	2 5 0
October.....	3 0 0	October.....	2 2 6
1842.		1849.	
January.....	3 0 0	January.....	2 5 0
April.....	3 0 0	April.....	2 7 6
July.....	2 10 0	July.....	2 5 0
October.....	2 10 0	October.....	2 2 6
1843.		1850.	
January.....	2 10 0	January.....	2 10 0
April.....	2 0 0	April.....	2 2 6
July.....	2 0 0	July.....	2 7 0
October.....	2 5 0	October.....	2 2 0
1844.		1851.	
January.....	2 5 0	January.....	2 5 0
April.....	2 15 0	April.....	2 0 0
July.....	3 10 0	July.....	1 18 0
October.....	2 15 0	October.....	2 0 0
1845.		1852.	
January.....	3 5 0	January.....	1 17 6
April.....	6 0 0	April.....	1 17 0
July.....	4 0 0	July.....	2 5 0
October.....	4 10 0	October.....	2 15 0
1846.		1853.	
January.....	4 5 0	January.....	3 15 0
April.....	3 10 0	April.....	2 15 0
July.....	3 5 0	July.....	2 15 0
October.....	3 15 0	October.....	3 15 0
1847.			
January.....	3 15 0		
April.....	3 15 0		
July.....	3 10 0		
October.....	3 10 0		

There were intermediate variations, but the above gives a fair indication of the ruling prices.

GLASGOW, November 25, 1853.

No. 7.

*Average annual price per ton of the following descriptions of iron at Pittsburg, Pa., for the ten years preceding 1853.*

No	Description.	1843.	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.	1852.
	Merchantable bar iron, manufactured by rolling.....	\$450 00	\$60 00	\$60 00	\$60 00	\$60 00	\$60 00	\$55 00	\$50 00	\$45 00	\$55 00
	Do.....do.....do.....	165 00	60 00	60 00	55 00	55 00	55 00	50 00	50 00	40 00	45 00
	Do.....do.....do.....	155 00	61 00	60 00	60 00	60 00	60 00	55 00	50 00	45 00	55 00
	Do.....do.....do.....	\$60 00	60 00	60 00	60 00	60 00	60 00	52 50	50 00	45 00	50 00
	Do.....do.....do.....	165 00	60 00	61 00	60 00	60 00	60 00	55 00	50 00	45 00	50 00
	Merchantable bar iron, manufactured other-wise than by rolling <sup>a</sup> .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Railroad iron, manufactured by rolling <sup>a</sup> .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Pig iron.....	\$20 00	28 00	28 00	27 80	30 00	27 00	24 00	23 00	23 00	32 00
	Do.....	125 00	30 00	29 00	30 00	31 00	29 00	25 00	24 00	23 50	30 00
	Do.....	121 00	27 00	28 00	27 00	29 00	27 00	24 00	23 00	22 50	32 00
	Do.....	122 00	27 00	28 50	27 50	29 50	27 00	24 00	23 00	23 00	32 00
	Do.....	122 00	28 00	28 00	28 00	30 00	28 00	24 00	23 00	23 00	32 00
	Average—	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Merchantable iron, manufactured by rolling	59 00	60 00	60 00	59 00	59 00	59 00	53 50	50 00	44 00	51 00
	Pig iron.....	22 00	28 00	28 30	27 90	29 90	27 60	24 20	23 20	23 00	31 60

Merchantable iron—average, \$55 45; pig iron—average, \$26 57.

<sup>a</sup> Lyon, Shorb & Co's returns.

<sup>b</sup> Bailey, Brown & Co's returns.

Freight, insurance and commission.

† Messrs. Shoenberger's returns.

‡ Spang & Co's returns.

† Graff, Lindsay & Co., and Lorentz, Sterling & Co's returns.

‡ None manufactured here.



CUSTOM HOUSE,  
*Pittsburg, December 30, 1853.*

SIR: I have the honor to acknowledge the receipt of your letter of the 26 instant, and have to state in reply, that the Secretary of the Treasury communicated to me a copy of the Senate's resolution on the 1st of September last, and I immediately handed to several of our most extensive iron manufacturers a copy of his letter, with that of the resolution, and a table in blank, similar to the enclosed, with the view of obtaining from them the desired information. The only return which has yet reached me is that of the Messrs. Shoenberger, a copy of which you will be pleased to find enclosed, (marked No. 8.)

I have not yet made my report to the Secretary of the Treasury, awaiting returns from the other manufacturers I applied to on the subject. When these are received, I will furnish you with a copy, in case they should differ in any material degree from the enclosed.

Very respectfully, your obedient servant,

JNO. HASTINGS, *Surveyor, &c.*

CHAS. BROWN, ESQ.,

*Collector of the Customs, Philadelphia, Pennsylvania.*

AND C.

*Average annual price per ton of the following descriptions of iron at Pittsburg, Pennsylvania, for the ten years preceding 1853.*

Description.	1843.	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.	1852.
Merchantable bar iron manufactured by rolling.....	\$65 00	\$60 00	\$60 00	\$55 00	\$55 00	\$55 00	\$50 00	\$50 00	\$40 00	\$45 00
Merchantable bar iron manufactured otherwise than by rolling*.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Railroad iron manufactured by rolling*.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pig iron.....	25 00	30 00	29 00	30 00	31 00	29 00	25 00	24 00	23 50	30 00

\* None manufactured here.

Freight, insurance, and commission.

## No. 9.

*Statement of the prices of merchantable bar iron at Liverpool throughout ten years, from January, 1843, to January, 1853; and also, the price of the same at New York. Also, the price of the best refined iron at Liverpool and New York.*

Date.	Price of merchantable iron at Liverpool.				Price per ton at New York.	Average price of merchantable bars each year.	Average price of best refined at Liverpool.	Average price of best refined at New York, at 6 months' credit.	Prices of railroad iron at Wales, or the place of manufacture, cash.	Average price per annum.
1843.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	\$57 00 a \$60 00 57 00 a 60 00					
January.....	5 5 0	0 0 0	0 0 0	0 0 0						
April.....	5 0 0	0 0 0	0 0 0	0 0 0						
June.....	4 10 0	0 0 0	0 0 0	0 0 0						
July.....	4 10 0	0 0 4	15 0	0 0 0						
August.....	4 10 0	0 0 4	15 0	0 0 0						
September.....	5 0 0	0 0 5	10 0	0 0 0						
October.....	5 0 0	0 0 4	0 0 0	0 0 0						
November.....	5 0 0	0 0 4	15 0	0 0 0						
December.....	5 0 0	0 0 4	10 0	0 0 0						
					\$57 00 a \$50 00	\$57 00		\$73 75		
1844.	£ s. d.	£ s. d.	£ s. d.	£ s. d.						
January.....	4 10 0	0 0 0	0 0 0	0 0 0						
February.....	4 10 0	0 0 4	15 0	0 0 0						
March.....	4 15 0	0 0 5	5 0	0 0 0						
April.....	5 10 0	0 0 0	0 0 0	0 0 0						
May.....	6 0 0	0 0 0	0 0 0	0 0 0						
June.....	6 0 0	0 0 5	15 0	0 0 0						
July.....	5 15 0	0 0 5	10 0	0 0 0						
August.....	5 10 0	0 0 0	0 0 0	0 0 0						
September.....	5 5 0	0 0 0	0 0 0	0 0 0						
October.....	5 10 0	0 0 0	0 0 0	0 0 0						
November.....	5 5 0	0 0 0	0 0 0	0 0 0						
December.....	5 10 0	0 0 6	0 0 0	0 0 0						

1845.																			
January.....	6	10	0	0	0	0	0	0	0	65 00.									
February.....	7	10	0	0	0	0	0	0	0	70 00.									
March.....	9	10	0	0	0	0	0	0	0	77 50 a 80 00									
April.....	10	0	0	0	0	0	0	0	0	90 00 a 85 00									
May.....	9	0	0	0	0	0	0	0	0	80 00.									
June.....	8	0	0	0	0	0	0	0	0	77 50 a 80 00									
July.....	8	0	0	0	0	0	0	0	0	77 50 a 80 00									
August.....	7	10	0	0	0	0	0	0	0	75 00.									
September.....	8	0	0	0	0	0	0	0	0	72 50 a 75 00									
October.....	9	0	0	0	0	0	0	0	0	72 50 a 75 00									
November.....	9	10	0	0	0	0	0	0	0	77 50.									
December.....	9	0	0	0	0	0	0	0	0	77 50 a 80 00									
1846.																			
January.....	9	0	0	0	0	0	0	0	0	77 50.									
February.....	9	0	0	0	0	0	0	0	0	77 50.									
March.....	9	0	0	0	0	0	0	0	0	77 50.									
April.....	8	15	0	0	0	0	0	0	0	77 50.									
May.....	8	10	0	0	0	0	0	0	0	77 50.									
June.....	8	10	0	0	0	0	0	0	0	77 50.									
July.....	8	10	0	0	0	0	0	0	0	77 50.									
August.....	8	15	0	0	0	0	0	0	0	77 50.									
September.....	9	5	0	0	0	0	0	0	0	77 50.									
October.....	9	5	0	0	0	0	0	0	0	75 00 a 77 50									
November.....	9	5	0	0	0	0	0	0	0	75 00 a 77 50									
December.....	9	10	0	0	0	0	0	0	0	75 00 a 77 50									
1847.																			
January.....	9	15	0	0	0	0	0	0	0	75 00 a 77 50									
February.....	9	10	0	0	0	0	0	0	0	72 50.									
March.....	9	10	0	0	0	0	0	0	0	72 50.									
April.....	9	10	0	0	0	0	0	0	0	72 50.									
May.....	9	5	0	0	0	0	0	0	0	72 50 a 75 00									
June.....	9	10	0	0	0	0	0	0	0	75 00.									
July.....	9	10	0	0	0	0	0	0	0	75 00.									
August.....	9	7	0	0	0	0	0	0	0	75 00.									
September.....	9	10	0	0	0	0	0	0	0	70 00.									
October.....	9	5	0	0	0	0	0	0	0	70 00.									
November.....	9	0	0	0	0	0	0	0	0	70 00.									
December.....	8	5	0	0	0	0	0	0	0	70 00.									
1848.																			
January.....	8	0	0	0	0	0	0	0	0	70 00.									
February.....	8	0	0	0	0	0	0	0	0	70 00.									

\* Over merchantable bars.

† 4 per cent. off for cash.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

£ s. d.

## No. 9—Continued.

Date.	Price of merchantable iron at Liverpool.	Price per ton at New York.	Average price of merchantable bars each year.	Average price of best refined at Liverpool.	Average price of best refined at New York, at 6 months' credit.	Prices of railroad iron at Wales, or the place of manufacture, cash.	Average price per annum.
1848.						£ s. d.	£ s. d.
March.....	7 5 0 a 0 0 0	\$67 50.				7 2 6 a 0 0 0	
April.....	7 5 0 a 0 0 0	67 50.				7 2 6 a 0 0 0	
May.....	6 10 0 a 0 0 0	60 00.				6 12 6 a 0 0 0	
June.....	6 5 0 a 0 0 0	57 50.				6 12 6 a 6 2 6	
July.....	6 5 0 a 0 0 0	57 50.				6 2 6 a 0 0 0	
August.....	6 5 0 a 0 0 0	55 00.				6 2 6 a 0 0 0	
September.....	6 5 0 a 0 0 0	55 00.				6 2 6 a 6 0 0	
October.....	6 0 0 a 0 0 0	55 00.				5 12 6 a 0 0 0	
November.....	5 15 0 a 5 10 0	55 00.				5 12 6 a 0 0 0	
December.....	5 5 0 a 0 0 0	50 00.	\$60 00	*\$30 00 a 50 00	\$71 25	6 11 10 1/2	
1849.							
January.....	5 15 0 a 6 0 0	50 00.					
February.....	6 0 0 a 6 15 0	52 50.					
March.....	7 0 0 a 6 15 0	52 50.					
April.....	6 10 0 a 6 5 0	55 00.					
May.....	6 5 0 a 5 10 0	48 00.					
June.....	5 5 0 a 0 0 0	42 50.					
July.....	5 10 0 a 0 0 0	40 00 a \$42 50					
August.....	5 10 0 a 0 0 0	42 50.					
September.....	5 10 0 a 0 0 0	42 50.					
October.....	5 7 6 a 0 0 0	42 50.					
November.....	5 10 0 a 5 12 6	45 00.				4 17 6 a 5 0 0	
December.....	5 12 6 a 5 15 0	45 00.	47 50	*\$30 00 a 50 00	62 50	5 0 0 a 0 0 0	
1850.							
January.....	5 12 6 a 5 15 0	42 50 a 45 00				5 0 0 a 0 0 0	
February.....	5 10 0 a 5 12 6	45 00.				5 0 0 a 4 17 6	
March.....	5 10 0 a 5 7 6	45 00.				5 0 0 a 5 5 0	

April.....	48 00.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			</
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\* Over merchantable bars.

**NORW.**—All English iron is manufactured by rolling, except that used for machinery, which is forged by hammering. Pig iron is cast. Swedish bar iron is refined and manufactured by hammering, the price of which has ranged in Sweden at about fifty American dollars per ton, and at New York from \$72 50 to \$95 per ton.

No. 9—Continued.

*Average prices of No. 1 pig iron at Glasgow, from 1843 to 1852, inclusive.*

1843.	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.	1852.
£ s. d. 2 5 0	£ s. d. 3 12 6	£ s. d. 3 16 0	£ s. d. 3 7 0	£ s. d. 3 5 0	£ s. d. 3 4 4	£ s. d. 2 5 7	£ s. d. 2 4 4	£ s. d. 2 0 0	£ s. d. 2 5 8

Equal to an average of 45s. 5d. per ton for ten years.

*Average prices of No. 1 pig iron at New York, from 1843 to 1852, inclusive.*

1843.	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.	1852.
\$26 28	\$30 53	\$32 91	\$34 58	\$30 83	\$25 34½	\$22 93½	\$21 07½	\$20 62½	\$22 48

Equal to an average of \$26 76 per ton for ten years.

## No. 9—Continued.

*Actual sales of railroad iron at New York, so far as ascertained accurately.*

Date.	Tons.	Price.	Average.
June 12, 1843.....	500	\$55 50	.....
August 29, 1846.....	2,000	69 50	.....
July 8, 1847.....	5,000	64 56	.....
May 20, 1848.....	2,000	52 50	.....
April 19, 1849.....	1,000	50 00	.....
July 8, 1850.....	5,000	39 50	.....
April 30, 1851.....	2,000	42 50	} \$40 75
November 24, 1851.....	1,000	39 00	
March 26, 1852.....	1,000	38 50	} 49 75
July 28, 1852.....	767	50 00	
November 30, 1852.....	100	60 00	

NOTE.—The average charges on iron from Wales, Cardiff, to Liverpool or London, are 7s. 6d. per ton.





1845.											
January.....	31 46.					65 00.					
January 30.....	36 90 a 43 56					70 00.					
March.....	45 98.					77 50 a 80 00					
April.....	48 40.					80 00 a 85 00					
May.....	43 56 a 38 72					80 00.					
June.....	38 72.					77 50 a 80 00					
July.....	38 72 a 33 88					77 50 a 80 00					
August.....	36 30.					75 00.					
September.....	38 72 a 42 35					72 50 a 75 00					
October.....	43 56 a 45 98					72 50 a 75 00					
November.....	45 98 a 43 56					77 50.					
December.....	43 56.					77 50 a 80 00					
					41 07½			67 75	57 50		90 00
1846.											
January.....	43 56.					77 50.					
February.....	43 56.					77 50.					
March.....	43 56.					77 50.					
May.....	42 35 a 41 14					77 50.					
June.....	41 14.					77 50.					
July.....	41 14 a 42 35					77 50.					
August.....	42 35 a 44 77					77 50.					
September.....	44 77.					77 50.					
October.....	44 77.					75 00 a 77 50					
November.....	44 77.					75 00 a 77 50					
December.....	45 98.					75 00 a 77 50					
					43 30½			77 50	60 63		87 50
1847.											
January.....	47 19 a 45 98					75 00 a 77 50					
February.....	45 98.					72 50.					
March.....	45 98.					72 50.					
April.....	45 98.					72 50.					
May.....	44 77.					72 50 a 75 00					
June.....	45 98.					75 00.					
July.....	45 98.					75 00.					
August.....	45 37½					75 00.					
September.....	45 98.					70 00.					
October.....	44 77.					70 00.					
November.....	43 56.					70 00.					
December.....	39 93.					70 00.					
					45 12½			73 75	63 17		85 00
1848.											
January.....	38 72.					70 00.					
February.....	38 72 a 37 51					70 00.					

\* 4 per cent. off for cash. ●

## No. 9—Continued. •

Date.	Price of merchant- able iron at Liver- pool.	Average price per year per ton	Price per ton at New York.	Average price per year per ton.	Average of best re- fined iron at Liver- pool, above mer- chantable bar.	Average of best re- fined iron at New York, at 6 months' credit.
1848.						
March.....	\$35 09.		\$67 50.			
April.....	35 09.		67 50.			
May.....	31 46.		60 00.			
June.....	30 25.		57 50.			
July.....	30 25.		57 50.			
August.....	30 25.		55 00.			
September.....	30 25.		55 00.			
October.....	29 04.		55 00.			
November.....	27 83 a 26 62		55 00.			
December.....	25 41.	31 89½	50 00.	\$60 00	\$44 65	\$71 25
1849.						
January.....	27 83 a 29 04		50 00.			
February.....	29 04 a 32 67		52 50.			
March.....	33 88 a 32 67		52 50.			
April.....	31 46 a 30 25		55 00.			
May.....	30 25 a 31 46		48 00.			
June.....	25 41.		42 50.			
July.....	26 62.		40 00 a 42 50			
August.....	26 62.		42 50.			
September.....	26 62.		42 50.			
October.....	26 01½		42 50.			
November.....	26 62 a 27 22½		45 00.			
December.....	27 22½ a 27 83	29 04	45 00.	47 50	66 50	62 50
1850.						
January.....	27 22½ a 27 83		42 50 a 45 00			
February.....	26 62 a 27 22½		45 00.			

March	26 63	a	26 01½	45 00.				
April	25 41	a	24 20	45 50.				
May	24 20	a	23 59½	40 00.	a	42 50		
June	22 99	a	24 20	42 50.				
July	24 20			42 50.				
August	23 59½	a	24 20	42 50.				
September	23 59½	a	24 20	42 50.				
October	23 59½	a	24 20	42 50.				
November	24 20			42 50.				
December	24 80½	a	24 20	42 50.				
				25 08½		43 50	40 65	56 25
1851.								
January	26 01½			40 00.				
February	25 41	a	26 01½	40 00.				
March	24 80½			40 00.				
April	24 80½	a	24 20	40 00.				
May	24 20.			37 50.				
June	23 59½	a	24 20	35 00.				
July	23 59½	a	24 20	35 00.				
August	23 59½	a	24 20	35 00.				
September	23 59½	a	24 20	32 50.				
October	23 59½	a	24 20	32 50.				
November	23 59½	a	23 89½	35 00.				
December	23 59½			35 00.				
				24 27½		36 50	33 98½	57 50
1852.								
January	23 59½	a	24 20	35 00.				
February	23 99	a	23 59½	35 00.				
March	22 99.			85 00.				
April	22 99.			35 00.				
May	23 59½			35 00.				
June	25 41.			37 50.				
July	26 62.			37 50.				
August	26 62	a	27 22½	40 00.				
September	28 43½	a	29 04	42 50.				
October	33 88.			42 50.				
November	35 69½	a	36 30	47 50.				
December	39 93	a	41 14	55 00.				
				28 57		39 75	39 99	83 75

## No. 9—Continued.

*Price of railroad iron in Wales, from 1847 to 1852, inclusive.*

Date.	Price of railroad iron in Wales.	Average price per annum.
1847.		
January.....	\$47 79½	
February.....	47 79½ a 48 40	
March.....	49 00	
April.....	45 98 a 49 00	
May.....	49 00	
July.....	48 40	
August.....	40 53½	
September.....	40 53½	
October.....	42 35 a 41 74½	
November.....	41 74½	
December.....	40 53½ a 38 72	
		\$45 22½
1848.		
January.....	36 90½	
February.....	35 09 a 34 48½	
March.....	34 48½	
April.....	34 48	
May.....	34 48	
June.....	33 06½	
July.....	33 06½ a 29 64½	
August.....	29 64	
September.....	29 64½	
October.....	29 64½ a 29 04	
November.....	27 22½	
December.....	27 22½	
		31 91½
1849.		
November.....	23 59½ a 24 20	
December.....	24 20	
		23 99½
1850.		
January.....	24 20	
February.....	24 20 a 23 59½	
March.....	24 20 a 25 41	
April.....	23 59½ a 25 41	
May.....	25 41 a 24 80½	
June.....	24 80½ a 24 20	
July.....	22 99	
August.....	22 99 a 22 38½	
September.....	21 78 a 22 38½	
October.....	22 99	
November.....	22 99	
December.....	22 99 a 23 59½	
		23 59½
1851.		
January.....	24 20 a 25 41	
February.....	25 41	
March.....	24 20 a 24 80½	
April.....	24 80½ a 25 41	
May.....	24 80½ a 26 01½	
June.....	23 59 a 24 80½	
July.....	23 59 a 25 41	
August.....	24 20 a 26 62	
September.....	22 99 a 24 20	
October.....	22 99 a 24 20	
November.....	22 9½ a 22 38½	
December.....	22 38½ a 22 99	
		23 68½

## No. 9—Continued.

Date.	Price of railroad iron in Wales.	Average price per annum.
1852.		
January .....	\$22 99 a 24 20	.....
February .....	22 38½ a 22 99	.....
March .....	21 78 a 22 38½	.....
April .....	22 38½ a 22 99	.....
May .....	22 99 a 25 41	.....
June .....	26 62 a 29 04	.....
July .....	27 83 a 29 64½	.....
August .....	28 43½	.....
September .....	29 04 a 30 25	.....
October .....	33 88 a 36 30	.....
November .....	38 72 a 39 93	.....
December .....	39 93 a 45 98	.....
		\$28 07½

*Average prices of No. 1 pig iron at Glasgow, from 1843 to 1852, inclusive.*

Years.	Price per ton.
1843 .....	\$10 89
1844 .....	17 66½
1845 .....	18 39
1846 .....	16 21½
1847 .....	15 73
1848 .....	10 72½
1849 .....	11 03
1850 .....	10 72½
1851 .....	9 68
1852 .....	11 05

Equal to an average of \$13 21 per ton for ten years.

*Average prices of No. 1 pig iron at New York, from 1843 to 1852, inclusive.*

Years.	Price per ton.
1843 .....	\$26 28
1844 .....	30 53
1845 .....	32 91
1846 .....	34 58
1847 .....	30 83
1848 .....	25 34½
1849 .....	22 93½
1850 .....	21 07½
1851 .....	20 62½
1852 .....	22 48

Equal to an average of \$26 76 per ton for ten years.

## No. 9—Continued.

*Actual sales of railroad iron at New York, so far as ascertained accurately.*

Date.	Tons.	Price.	Average.
June 12, 1843 .....	500	\$55 50	.....
August 29, 1846.....	2,000	69 50	.....
July 8, 1847.....	5,000	64 56	.....
May 20, 1848.....	2,000	52 50	.....
April 19, 1849 .....	1,000	50 00	.....
July 8, 1850.....	5,000	39 50	.....
April 30, 1851 .....	2,000	42 50	\$40 7½
November 24, 1851.....	1,000	39 00	
March 26, 1852.....	1,000	38 50	49 7½
July 28, 1852 .....	767	50 00	
November 30, 1852.....	100	60 00	

NOTE.—The average charges on iron from Wales, Cardiff, to Liverpool or London, are \$1 81½ per ton.

All English iron is manufactured by rolling, except that used for machinery, which is forged by hammering. Pig iron is cast. Swedish bar iron is refined and manufactured by hammering—the price of which has ranged in Sweden at about *fifty American dollars per ton*, and at New York from *seventy-two and a half to ninety-five dollars per ton*.

COMMUNICATIONS

FROM

THE SECRETARY OF THE INTERIOR

AND

THE COMMISSIONER OF INDIAN AFFAIRS

TO THE

CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS OF THE SENATE,

*Recommending certain appropriations for the Indian service.*

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FEBRUARY 21, 1854.—Submitted by Mr. Sebastian, referred to the Committee on Indian Affairs, and ordered to be printed.

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DEPARTMENT OF THE INTERIOR,  
*Washington, February 9, 1854.*

SIR: I have the honor to transmit, herewith, a report from the Commissioner of Indian Affairs, dated the 6th instant, in which he recommends that treaties be speedily made with the Indians in Oregon and Washington Territories.

Viewing the subject as one of great interest and importance, I recommend it to the early and favorable consideration of the Committee on Indian Affairs.

I am, sir, very respectfully, your obedient servant,  
R. McCLELLAND, *Secretary.*

Hon. W. K. SEBASTIAN,  
*Chairman Committee Indian Affairs, United States Senate.*

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DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, February 6, 1854.*

SIR: I have the honor to state that, in my opinion, an enlightened forecast indicates that the present is a favorable time to institute and establish definite relations of amity with the wild tribes of Indians located within the territory of the United States, and with which such definite relations do not now exist.

With many of the tribes in Oregon and Washington Territories, it appears to be absolutely necessary to speedily conclude treaties for the extinguishment of their claim to the lands now or recently occupied by them.



The policy of the government has favored emigration to, and settlement within those territories, by citizens of the States; and, in consequence, they have been and are rapidly filling up with white settlers; yet the Indian tribes still claim title to the lands on which the whites have located, and which they are now cultivating. The jealousy which has resulted from this state of things has naturally led to repeated hostilities, resulting in the severe suffering, and, in some instances, the murder of the white settlers, and in hindering the general growth and prosperity of the civil communities of these Territories.

Unless something more effectual and definite be done speedily, it is probable that hostilities will be resumed by the Indians in Oregon on a more extended scale, and engaging a larger and better organized body of Indians than the settlers there have ever heretofore contended with.

The increase of the annual overland emigration to the Pacific coast, and the desirableness of increased facilities for its speedy and safe transit, have brought to the notice of the public various projects for the construction of railroads from various points on the western frontiers of the States to different points on the Pacific, and the prospect that one or more such railroads may eventually be constructed, renders it peculiarly proper that all hostile Indian tribes or bands along such routes be permanently pacified. His excellency, Isaac I. Stevens, on his recent exploration of a northern route, reports that he met with a most friendly reception by all the Indian tribes which he encountered; yet, after consultation with agent Vaughan, and Mr. Culbertson, a gentleman long resident among these Indians, and on account of the warlike character and hostile feelings of some of the tribes located on the east and west sides of the eastern range of the Rocky mountains, he esteems it necessary that a council be held with all the tribes in that vicinity not parties to the treaty of Fort Laramie, for the purpose of conciliating them by means of presents of goods and provisions; and that the council be held during the coming summer at Fort Benton, on the upper Missouri.

For accomplishing this purpose, Governor Stevens estimates that \$30,000 would be required for presents and transportation; \$5,000 for provisions; \$15,000 for incidental expenses, and \$10,000 to enable a number of chiefs of the principal tribes to visit the President of the United States.

The tribes which he proposes to invite to the council, are: the Gros Ventres, Pegans, Bloods, and Blackfeet east of the mountain range; and all the tribes west of the same range with whom they are at variance. Agent Vaughan, in his annual report, also urgently recommends that a treaty, similar to the treaty at Fort Laramie, be made with the Gros Ventres and Blackfeet tribes. He estimates the Blackfeet nation to number about 10,800; and the Gros Ventres 3,780.

Governor Stevens estimates the Blackfeet nation, embracing the Pegan, Blood, and Blackfeet tribes, at 14,400; and Mr. Culbertson, at 14,000.

Their number, heretofore, has generally been estimated as much greater; which is, doubtless, to be ascribed to their roving, bold, and warlike character. Assuming, then, that the number is about 14,000, and the Gros Ventres 3,780, the number of Indians in the tribes, west

of the mountain range, which Governor Stevens proposes to invite to the council, may, probably, be stated at 6,000 to 10,000; which will make the census of the tribes to be invited to the council, and furnished with presents, 25,000 to 27,000.

Governor Stevens estimates that there would be needed about 100 tons of transportation; and, assuming this to be about the correct amount, in view of the remoteness of the point of delivery, and the dangers of the navigation of the Missouri river; and, also, because presents are proposed to be made to Indians of so many and so populous nations, I am led to believe that the estimate made by Governor Stevens, for goods, provisions, and transportation, is too low; and that, if the council is to be held as proposed, a supply of goods and provisions should be distributed to the Indians more plentiful than funds to the amount of his estimates would procure.

I have, therefore, to state my approbation of the proposition of Governor Stevens, in respect to the council, and to recommend that an appropriation be asked for of \$100,000, to be placed at the disposal of the department for the expenses of holding a council with, and making presents of goods and provisions to, the Blackfeet, Gros Ventres, and other wild tribes of Indians immediately within, or adjacent to, the eastern boundary of Washington Territory; and to defray the expense of conveying a delegation of the chiefs of those tribes to Washington city.

For interesting details respecting the proposed council, the character of these Indians, &c., reference is had to documents Nos. 43, 85, 86, and 88 accompanying my late annual report.

It is a matter of regret that the annual report of Joel Palmer, superintendent of Indian affairs in Oregon, did not reach this office until the 13th December last—too late to appear with the documents accompanying my late annual report.

Superintendent Palmer recommends very strongly, in that report, the negotiation, as speedily as possible, of treaties with the bands and tribes of Indians in Oregon, for the acquisition of their claims to lands. He estimates that the sum of \$26,950 would be sufficient to defray the expenses of treating with, and paying first instalments of annuities to, all the bands located west of the Cascade range of mountains; and \$40,300 for the expenses of treating with, and paying first instalment of annuities to, the bands east of that range. I think these estimates very reasonable; and I recommend that an appropriation be made, immediately, of \$68,000, for the expenses of making treaties with, and payment of first instalments of annuities to, the Indian tribes of Oregon.

Should the recommendations herein made meet with favor from the two houses of Congress, I have to suggest that action be had immediately. The goods and provisions which would be required for presents, by Governor Stevens, should be ready to leave St. Louis, Missouri, by the middle of April next, in order to secure their transportation up the Missouri river at a reasonable cost, and in due time to accomplish the object at a proper season of the year.

It has been found hitherto, and is reported to be still, extremely difficult to procure Indian goods in Oregon and Washington Territories, and when purchased there very high prices have always to be paid. Moreover, not unfrequently, the Hudson Bay Company is the only es-

establishment which has such goods for sale, and necessity compels a purchase of that company.

To make any extensive purchases of a British company there would become known to the Indians, and would have a tendency to lessen, in their estimation, the dignity and power of this government. When goods can be purchased in the Atlantic cities and shipped to Oregon, to cost less and answer the purpose better than those to be had there of the Hudson Bay Company, it is clear that this department ought, if possible, to send the necessary goods forward from the Atlantic coast; and, in order that this may be done, it is highly important that such goods as are designed for Oregon be purchased without delay, and shipped to the collector or other proper officer at San Francisco, to be forwarded from thence as soon as possible.

In order that the proposed objects may be accomplished during the coming summer, I have to suggest that you will recommend to Congress, through the chairmen of the committees on Indian Affairs in the Senate and House, as provided by the fourteenth section of the act of 26th August, 1842, that the appropriations necessary thereto be made as soon as practicable, to be placed at the disposal of the department forthwith.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Com'r.*

Hon. R. McCLELLAND,

*Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,

*Office Indian Affairs, February 16, 1854.*

SIR: I have the honor to transmit herewith, for the information of your committee, a copy of a communication from this office to the Secretary of the Interior Department, dated the 30th ultimo, in relation to the insufficiency of the appropriation made by the act of 3d March last for the "General incidental expenses of the Indian service in the Territory of New Mexico."

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Com'r.*

Hon. W. K. SEBASTIAN,

*Chairman Com. of Indian Affairs, United States Senate.*

DEPARTMENT OF THE INTERIOR,

*Office Indian Affairs, January 30, 1854.*

SIR: On the 20th December, 1852, the Commissioner of Indian Affairs transmitted to the Secretary of the Interior, and through him to the two Houses of Congress, "Additional estimates for funds required for the Indian service during the year ending June 30, 1853;" and among the items of that additional estimate was one for \$25,000, for general incidental expenses of the Indian service in the Territory of New Mexico.

In view of the large number and warlike character of the Indians in New Mexico, and the high prices of goods and provisions in that Territory, this sum was then considered such as would be imperiously demanded to preserve peaceable relations with the Indian tribes located there.

Congress saw proper, however, to appropriate only the sum of \$10,000 by act of 3d March last.

At the commencement of the present fiscal year, there remained in the treasury, of former appropriations for this service, the sum of \$2,323 63. This amount, as also the \$10,000 appropriated for the fiscal year ending the 30th June next, was absorbed by drafts and liabilities by the 8th of October last, excepting the small balance of \$564 90.

The accounts of the late Governor Lane, and late agents Steck and Wingfield, are not yet finally settled, but having been rendered and filed in this office for examination, it is found that they claim balances due them as follows: E. H. Wingfield, \$3,931 64; W. Carr Lane, \$4,838 48; Michael Steck, \$312 41. Not being prepared to state whether those amounts are or are not due, it is clear that there is no money in the treasury out of which such balances, if due, can be paid.

I have further to state that this office has been embarrassed in sustaining the Indian service in New Mexico, and has been compelled to ask your sanction that recent drafts of Governor Merriwether, to the amount of \$2,000, be paid out of the fund for "current expenses of the Indian Department."

I am also in expectation daily that other drafts of Governor Merriwether will arrive, and I hence am induced to request that you will immediately recommend to Congress, through the chairmen of the committees on Indian Affairs in the House and Senate, as provided by the fourteenth section of the act of Congress of 26th August, 1842, entitled "An act legalizing and making appropriations for such necessary objects as have usually been included in the general appropriation bills," &c., that the sum of \$15,000 be immediately appropriated, and placed at the disposal of the department for the "General incidental expenses of the Indian service in New Mexico" during the year ending the 30th June next.

Very respectfully, your obedient servant,

CHARLES E. MIX.

*Acting Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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DEPARTMENT OF THE INTERIOR,  
*Washington, February 17, 1854.*

SIR: I have the honor to transmit to you, herewith, a communication, with accompanying papers, from the Commissioner of Indian Affairs, dated the 14th instant, and, in view of the statements therein made, to recommend that appropriations be made, as follows, viz:

For making presents to, and defraying the expenses of negotiating

treaties with, the Indian tribes in the Territory of Washington, the sum of \$45,000.

For making presents to, and defraying the expenses of negotiating treaties with, the Apache, Navajoe, and Utah tribes of Indians in the Territory of New Mexico, the sum of \$30,000.

And for defraying the expenses of negotiating with, and making presents of agricultural implements to, the Pueblo Indians of New Mexico, the sum of \$15,000.

I am, sir, with much respect, your obedient servant,

R. McCLELLAND, *Secretary.*

Hon. W. K. SEBASTIAN,

*Chairman of the Committee on Indian Affairs, United States Senate.*

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OFFICE OF SUPERINTENDENT OF INDIAN AFFAIRS.

*Olympia, Washington Territory, December 26, 1853.*

DEAR SIR: There is urgent necessity existing for treaties being immediately made with the Indians west of the Cascade mountains, in this Territory. For years they have been promised payment for their lands by the whites; and they have waited with an abiding faith that the whites would redeem their many promises. For the last two years, however, the great numbers of settlers, who have located in this Territory, has made them suspicious and uneasy; and they upbraid the whites for the want of faith. The lands of all the Indians from the Columbia river to the 49° of latitude, west of the Cascade mountains, are so fast becoming settled by the whites, that, within another year, there will hardly be a choice claim of land on the sound, or the different streams, but what will be located upon by settlers; and thus the Indians will be driven from their homes. Even within the last year the population of the Territory has increased from two to five thousand; and that without the aid of a road across the Cascade mountains, until late in the season, and which was almost entirely cut out by the unaided exertions of the citizens. These things make it imperative upon government to act in this matter, and apply the proper remedy for these fast-growing evils.

The inapplicability of the intercourse law, and its being in conflict with the act of Congress donating lands to settlers, &c., of September 27, 1850, renders it almost impossible to do anything without extinguishing their titles, and placing them on reservations where they can be cared for and attended to. There are some forty different tribes in the basin, between the Cascade mountains on the east, and the Olympic range on the west, from the Columbia river north, to the 49° of latitude—numbering, in all, not less than five thousand.

All these tribes live on the different water-courses, on the bays and inlets of the sound, subsisting on roots and berries, and the various species of fish which abound in the waters. But few of these Indians ever leave this basin, but roam about the sound, leading, for the most part, an idle life. They have all, however, singled out a few spots in their domains, which they wish to reserve, and contemplate the sale of the rest of their lands to the whites. These spots are not only per-

manent places of residence, but are hereditary. Near them are the graves of their relatives and friends, and they cherish an affection for them which I have scarcely ever seen equalled. These are their homes, and from them they roam about the sound in every direction, going where the fish, roots and berries abound most at the different seasons of the year.

I cannot urge this matter too strongly on your attention. The longer treaties are delayed, the more difficult it will be to make them satisfactory; and to make reservations for them, in a short time, will be impossible, without moving whites from their land claims. Money should at once be appropriated for these purposes. By an act passed by Congress in 1850, for negotiating treaties with the Indians west of the Cascade mountains, there is authority for entering into negotiations with these Indians; and, but for the want of funds, I should immediately adopt measures for the extinguishment of their titles.

What had better be done with these Indians, when treaties are made with them, has much occupied my mind since my arrival in the Territory. The only two locations they could be removed to is the country east of the Cascade or west of the Olympic range, on the coast of the Pacific. It is my opinion, as well as the opinion of all with whom I have conversed upon the subject, many of them the oldest settlers in the country and best acquainted with the Indians, that it would not only be injudicious, but almost impossible, to make the Indians remove east of the Cascade mountains. Injudicious for the reason that there is not a sufficiency of the food they have been accustomed to for their subsistence, and the consequent expense to government in having to support them until they could be taught to cultivate the soil, and depend upon its products for food. Almost impossible for reason of their strong attachment to their present locations in preference; and the difficulty of keeping them in a place from which to their old haunts there would be easy access.

Of the country lying on the west side of the sound between it and the Pacific coast, north of the Chehalis or Cluckelecs river, there is nothing known, it never having been explored by either whites or Indians, with whom the whites are acquainted. If the country should, upon exploration, be found to abound along the coast in bays, inlets, and streams, they would be probably too small for the purposes of commerce; and they would undoubtedly abound in fish, and the country with berries. If this should be the case it would be a good place for them to be removed to. There is a strong supposition, however, that gold and other valuable minerals abound in this range of mountains. If this should be the case, it would do away, of course, with the advantages of the place. For the purpose of developing these mineral resources, if they exist, and to gain a knowledge of the coast beyond this range, I would strongly recommend that appropriations be made for its thorough exploration. If neither of these places will answer for reservations to which they can be removed, the measure of making reservations for the different tribes, in their own territory, joining as many of the tribes as possible under one head, ought to be thoroughly considered. Indeed, I am not prepared to say that this would not be the best thing that could be done with them; it would be

the least expensive, and, with the Indians, by far the most satisfactory. There is a strong sympathy for the Indians among the whites. They are very useful in many ways, for transporting persons about the sound in their canoes, &c. Many of the men, as laborers, are very useful in chopping wood, plowing, driving wagons, &c. Some of the women wash clothes well, and in a variety of ways make themselves useful; and, if confined on reservations, under the direction of efficient agents, I am inclined to think that but little objection, if any, would be made by the whites. This is a matter I however desire more maturely to consider. In the meanwhile, money should be appropriated for the purpose of defraying the expenses of negotiations, and buying presents for them; before the reception of which I shall be able to study the question, and will have come to a decisive conclusion upon the subject. The distance we are from the seat of government, and the great length of time it takes to communicate and to receive answers, makes me desirous that particular attention should be given to these matters. The urgency of this subject cannot be fully appreciated by persons so distant from the country; and it is difficult to describe, in detail, the various reasons for their urgency with sufficient force to carry conviction that such steps are immediately necessary. But all who are in the country see and feel them.

To enter into negotiations, it would require, at a low estimate, \$15,000. Of this sum six thousand nine hundred (\$6,900) dollars is intended to defray the expenses of travelling, examination of reservations, pay of interpreters, and other employées, together with incidental expenses. The balance of seven thousand one hundred (\$7,100) dollars is intended for the purchase of presents, to be given in order to collect them together, and obtain a complete census of all the different tribes. These presents (a list of which, with their probable cost in New York is given below) it is desirable should be purchased immediately in New York, and shipped by clipper vessel to this coast, directed to me at this place.

800 pairs 3-point blankets, of various colors, costing say \$4 50	
per pair.....	\$3,600
32,000 yards calico, at 6 cents.....	1,900
2,000 pounds plug tobacco, at 16 cents.....	320
2,000 hickory shirts, at 50 cents.....	1,000
1,000 pounds of soap, at 8 cents.....	80
Of string-beads to hang around the neck, say.....	200
	<hr/>
	\$7,100

The cost of these articles may be over-estimated. If so, and there be a surplus, it should be expended in blankets. These blankets should be of excellent quality, they being excellent judges of them, having heretofore bought of the Hudson Bay Company principally, and the English blanket being much superior to the American, of the same cost, sold out here.

It is my intention, soon, to prepare a map which will give the geography of the country. If not exact, it will, at least, enable any one

looking at it to form a correct general idea of the country, showing, too, the locations of the different Indian tribes, the extent of their country, &c.

Hoping that you will give your early attention to the subject of this communication, I remain, with great respect, your obedient servant,

ISAAC I. STEVENS,

*Gov. and Supt. of Indian Affairs for Washington Territory.*

Hon. GEORGE W. MANYPENNY,

*Commissioner of Indian Affairs, &c.*

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DEPARTMENT OF THE INTERIOR,

OFFICE INDIAN AFFAIRS,

February 14, 1854.

SIR: Referring you for more general information respecting Indians and Indian Affairs in the territory of New Mexico to documents No. 79 and 80, attached to my late annual report, and to documents on the same subject accompanying the annual report of my predecessor for the year 1851, I have the honor now to call your attention to the importance of fixing definitely, at an early period, the relations of the government to the principal Indian tribes there. It is important to emigrants passing through that territory that peace and good feeling be established permanently. It is very important to citizens resident there, that depredations and ravages heretofore and still so frequently committed by the Indians be prevented. It is important to the United States government to extinguish any claim the Indians may have to such portions of the soil as are desirable for the location of white settlers, and to provide for the colonization of the Indians in some part of the country now vacant, and before white settlers locate upon and lay claim to the same.

The principal tribes within New Mexico are the Apaches, the Navajoes, the Utahs, and the Pueblos.

The Apaches are found on the southern boundary on both sides of the Rio Grande, and bands of them also on the northern boundary on both sides of that river. Some of them have a little knowledge of cultivating the soil.

The Navajoes live on the west of the Rio Grande, in the central portions of the territory beyond Santa Fe, and have considerable success in agriculture, and generally keep within the region of country claimed by them.

The Utahs are a roving, but vigorous, numerous, and warlike tribe, extending along the northern boundary of the territory on the west side, and portions also on the east side of the Rio Grande.

On the 9th September, 1849, a treaty of peace was made with the Navajoes, and on the 30th December of the same year a treaty with the Utahs. (U. S. Stat. at Large, vol. 9, pages 974 and 984.)

These treaties provided for the designation by the United States, at its earliest convenience of territorial limits for each of these tribes, and in the case of the Utahs the Indians expressly stipulated that they would remain within their boundaries when they were so designated,



and would build up Pueblos, or settle in such other manner as would enable them best to cultivate the soil.

As this tribe has been in the habit of roaming from the head waters of the Arkansas to the Sierra Nevada, and from the south pass to the Navajoe country, and subsisting by plunder and the chase, the stipulation that they should remain within limits to be assigned them, and should cultivate the earth for a livelihood, was of essential importance. The United States, however, has never designated a country and fixed the limits within which they should live, nor have boundaries been assigned to the Navajoes.

I deem it very desirable that proper measures be taken, as early as practicable, to agree by treaty with each of these tribes on a section of country having specific boundaries, and being of a proper extent, which shall be their future homes, and within which they shall be confined; and that provision also be made by such treaties for the residence among them of farmers, mechanics, and other teachers, for such a period of time as will serve to prepare them to sustain themselves by the arts and labor of civilized life.

The Apaches are a large and warlike tribe. With them there are as yet no well-defined relations, and toward them the same policy should be pursued as toward the Utahs and Navajoes.

Of such tribes of Indians as may be located west of the Navajoe country within New Mexico, in the regions bordering on the boundaries of California and the Mexican State of Sonora, but little is known; and as their country is unfrequented by whites, no immediate necessity exists for placing them under the care of agents.

The Pueblo Indians are of a character and habits so peculiar, and are so permanently fixed in their location, that a policy toward them of a nature essentially different from that pursued toward our Indians generally seems to be required.

Agent Graves, in a recent report, states that "Indian agents in New Mexico are at a loss to know where their duties begin or end in regard to this peculiar race of people." \* \* \* "They number from eight to ten thousand, and are supposed to be descendants of the Aztec race. There are twenty or more Pueblos in New Mexico, located as follows: In the valley of the Del Norte, north of Santa Fe, are the Pueblos of Taos, Picoris, San Juan, Santa Clara, San Ildefonso, Pojuaque, Nambe, and Tezuque; in the same valley south of Santa Fe are the Pueblos of Cochiti, Santo Domingo, San Felipe, Sandia, and Isletta; and west of the Del Norte and the Jemez river are situated the Pueblos of Santa Anna, Cia, and Jemez; a little east of the Navajoe country proper stand the prosperous Pueblos of Zuñi and Moqui; and between these and the Del Norte are the Pueblos of Laguna and Acoma.

The Pueblo Indians of New Mexico speak four different languages.

The Pueblos on the Jemez river speak the Pecos language. The Pueblos of Taos, Picoris, and Moqui, speak the Moqui language, as do also the Pueblos of Sandia and Isletta. The other six Pueblos north of Santa Fe speak the Tequas language; and the five Pueblos south of Santa Fe speak the Quingas. All the Pueblo Indians of New Mexico profess the Christian religion as taught by the Catholic church, except the Moquis.

They are the owners of the land upon which they live, and it is believed that they have an indefeasible title to the same; though they often complain of their neighbors, the Mexicans, as frequently attempting to make inroads upon their grants.

Each of the Pueblos professing the Christian religion have a chapel consecrated to the worship of God. They pay tithes to their priests, (Mexican,) are prompt in their attendance on public worship, and manifest much zeal and devotion in the practice of their religion. Each Pueblo is independent of the others. They have annual elections, at which a governor, alcade, and war captain are elected upon the majority principle. All males who have attained the age of manhood are entitled to vote. There is no such thing as pauperism among them. All are engaged in pursuits of some kind, though most generally in the cultivation of the soil. Whilst the Pueblo and the Pueblo lands belong to them in common, yet for the purpose of cultivation their lands are divided off into parcels, and lotted to families or individuals who are entitled exclusively to the products of their own labor. They live in peace and harmony, and respect each others' rights.

Many individuals possess many horses, sheep, goats, and asses."

Agent Graves states that these Indians voted at Mexican elections before the treaty of Gaudalupe Hidalgo, and have frequently exercised the elective franchise since that treaty; that, by acts of the territorial legislature of New Mexico, passed in December, 1847, and re-affirmed in 1851, the Pueblo Indians, living in towns and villages built on lands granted by Spain or Mexico, are made bodies corporate and politic, shall have perpetual succession, sue and be sued, &c.; that Hon. J. S. Watts, United States district judge, has decided, in the case of the Pueblo of Picoris *vs.* Julian Solis, that the intercourse act of 1834 does not apply to the Pueblo Indians.

Agent Graves states that the policy of forming these Indians into Pueblos, and inducing them to cultivate the soil, originated with, and was commenced by, Charles the Fifth of Spain; and that, in obedience to orders from the royal court at Madrid, twenty-two years afterwards, the Marquis of Falcos, Count of St. Stephen, and Viceroy of New Spain, allotted to them quantities of land, in good localities; that this policy was maintained by Spain, and the rights of the Indians were never disturbed by the government of the Mexican republic; but, on the contrary, were protected—so far as the action of the government was concerned.

He also says that "by a decree, issued during the presidency of Iturbide, it was declared that all persons born within the limits of the Mexican republic, and professing the Catholic religion, were citizens of the Mexican republic; and, as such, entitled to all the rights, privileges, and immunities guaranteed by Mexican laws."

By the 8th and 9th articles of the treaty with the republic of Mexico, of February 2, 1848, certain rights are secured to "*Mexicans*," then established in territories previously belonging to Mexico, but which thereafter would remain within the limits of the United States; and, in view of those treaty stipulations, it becomes a question of importance whether the Pueblo Indians are, or are not, now citizens of the United States, and entitled to all the rights and privileges secured under laws

of that territory, and of the United States, to citizens of Spanish Saxon descent?

If they are not now citizens, it seems evident that they are fitted become so, should it be their wish; and be adjudged sound policy to the proper authority to recognize them as such.

Should Congress be disposed to recognize them as citizens, it would seem proper that their grants of land be confirmed to the Pueblos.

If they are properly regarded as Indian tribes, having their separate organizations and nationalities within the jurisdiction and under the protection of the United States, I would suggest that treaties be made with each of the Pueblos, by which their boundaries should be defined; provision made for the removal of some, and the incorporation of the with and among others, in those localities adjudged most proper; and that a few presents of improved agricultural implements be made by the United States, to confirm and strengthen the feelings of amity which now exist.

For making presents to the Apaches, Navajoes, and Utahs, and enable the President to treat with them, the sum of \$30,000 will be required. This sum is designed to embrace the cost and transportation of goods, and the purchase of some provisions.

For treating with the various bands of Pueblo Indians, and making presents of agricultural implements, the sum of \$15,000 would be required.

By reference to a communication, received on the 11th instant, from Isaac I. Stevens, governor of Washington Territory, dated the 26 December last, (a copy of which is herewith,) it appears to be very desirable, also, that treaties of peace and acquisition be negotiated with the Indian tribes in that territory west of the Cascade range mountains; and by reference to another communication, dated the 29 December last, a copy of which is also herewith, he also recommends that like treaties be negotiated with the Indian tribes of his superintendency, east of that range.

He estimates that the sum of \$30,000 will be needed for both purposes—\$15,000 for each; \$6,900 being for travelling and incidental expenses, and \$7,100 for presents.

I have to remark that the goods he asks for will cost, in New York at present prices prevailing, from 30 to 50 per cent. more than Governor Stevens has estimated; and that his estimate does not cover the cost of the transportation of the goods from New York to Puget Sound—an item which would likely be near, if not quite, equal to the original cost in New York.

I should therefore adjudge that there would be needed, "for making presents to, and defraying all expenses of negotiating treaties with, the Indian tribes of Washington Territory," the sum of \$45,000.

I have therefore to request that you will recommend to Congress through the chairmen of the Committees on Indian Affairs, in the Senate and House of Representatives, that the following appropriations be made, and placed at the disposal of this department, immediately:

"For making presents to, and defraying all expenses of negotiating treaties with, the Indian tribes in Washington Territory," \$45,000.

"For making presents to, and defraying all the expenses of negoti-

ing treaties with, the Apache, Navajoe, and Utah tribes of Indians, in New Mexico," \$30,000.

"For defraying all expenses of negotiating treaties with, and making presents of agricultural implements to, the Pueblo Indians of New Mexico," \$15,000.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,  
*Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*Olympia, W. T., December 29, 1853.*

DEAR SIR: The Indian title to lands east of the Cascade mountains should at once be extinguished. In my communication from Fort Benton, I urged this matter upon your attention, and subsequent observations as I came west, and nine of the Indian tribes, and the number of settlements already commenced in the Indian country, confirmed me in the opinion of its great necessity. The tribes east of the Cascade mountains have much better organization than the tribes west of the mountains. All of these have chiefs who are well disposed towards the whites, and some of whom have great authority, not only with their own people, but with the surrounding tribes. All the tribes have made some progress in agriculture, and own horses and cattle. In the St. Mary's valley there has been considerable progress made in settlements by half breeds and retired servants of the Hudson Bay Company. The Messrs. Owens, to whom I have given license to trade with the Flat-head Indians, have settled here, and express themselves highly delighted not only with the country but with the climate. The country is indeed beautiful, and the land fertile. My men were so struck with its beauty and fertility that many preferred to remain here at less pay than to go on to the Pacific. There was no difficulty in obtaining any number of men to remain and accompany Lieutenant Mullan, to whom, as you have already been advised, important duties in the Indian department have been assigned. There is already a flourishing line of settlements in the Colville and Wallah-Wallah vallies, and the settlers are on excellent terms with the Indians. The missions among the Pend d'Oreilles, Cour d'Eleine, Colville, Yakamah, and Wallah-Wallah Indians, are all calculated to lead to early settlements in their vicinity, and should be encouraged. The chief of the Spokanes, Gany, has allowed one white man to settle within the limits of his tribe. There is also a few settlements in the Nez Perces country. Even the people of the Wilamette valley, attracted by the superior climate east of the Cascades, desire to locate in some of the valleys thus referred to. I, a short time since, received a letter from a Mr. Rutters, in Missouri, making inquiries about the St. Mary's valley, and expressing his desire to settle there, provided the Indian title to the lands was extinguished. There is much valuable land, and an inexhaustible supply of timber, east of the Cascades; and I consider its speedy settlement so desirable that all im-

pediment should be removed. To this end, two measures I regard as of paramount importance—the appointment of a surveyor-general for the Territory of Washington, and the extension of the surveys over the whole territory wherever, by the settlement of portions of it, it is required; and the extinguishment of the Indian title.

In a communication of this date, in reply to the call of the department, referring to me Major Alvord's communication, and asking my views in relation to its several suggestions, I have expressed the opinion that the act for the donation of land to actual settlers had reference to the east as well as the west side of the Cascade mountains, although no appropriations were made for their survey on the east side, and I shall, in consequence, unless otherwise instructed, direct my exertions to establishing friendly relations between the white settlers and the Indians.

There is a population of about six thousand Indians, in about twelve different tribes, east of the Cascade. The reservations which they will require in any treaty arrangements must necessarily be large, on account of their horses and cattle, already large, and, with some tribes increasing yearly. The amount that will be required to negotiate treaties with these Indians will not be less than \$15,000.

In the meantime, I shall receive many valuable suggestions from Lieutenant Mullan, now in the St. Mary's valley. It is my intention soon to send Lieutenant Arnold into the Nez Perces country, to continue our geographical and railroad explorations, and shall direct him to collect information in relation to that interesting tribe, and the arrangements as to reservations which can finally be made with them.

I propose next year to visit all these tribes, examine the country in reference to reservations, and thus be ready to act promptly in view of receiving the necessary authority and appropriations from Congress.

I am, sir, very respectfully, your most obedient,

ISAAC I. STEVENS,

*Governor and Superintendent.*

Hon. GEO. W. MANYPENNY,

*Commissioner of Indian Affairs, &c.*

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DEPARTMENT OF THE INTERIOR,

*Office Indian Affairs, February 17, 1854.*

SIR: I have the honor herewith to transmit to you, for the information of your committee, a copy of a report made on the 16th instant from this office to the Secretary of the Interior, respecting provision by act of Congress for the appointment of additional agents for certain Indian tribes.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Com'r.*

Hon. W. K. SEBASTIAN,

*Chairman Com. Indian Affairs, United States Senate.*

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, February 16, 1854.*

SIR : Referring to my late annual report, (pages 12 and 13,) and to documents Nos. 43 and 44 accompanying it, and in view of the probability of the establishment of more intimate treaty relations with the wild tribes of Indians on the head waters of the Arkansas, Platte, and Missouri rivers, from the boundaries of Utah and New Mexico on the south, to the British possessions on the north, and in view of the importance of more perfectly preserving peace and friendly intercourse between such tribes and the citizens of the United States, and between the several tribes themselves, I have the honor now to suggest that you recommend to Congress, through the chairmen of the Committees on Indian Affairs in the Senate and House of Representatives, that provision be made by law for the appointment by the President, by and with the advice and consent of the Senate, of two additional agents for the Indians east of the Rocky mountains.

Referring to my report of the 14th instant, relative to Indians and Indian affairs in New Mexico, I have also to suggest, in like manner, you recommend that provision be made for the appointment of one additional agent for the Indians in the Territory of New Mexico, and of any number deemed expedient, not exceeding three, for the Indian tribes in Washington Territory.

I have the honor also herewith to transmit, for your information, a copy of a letter from Isaac I. Stevens, Governor of the Territory last named, dated the 29th December last, in which he submits a plan for the organization of the Indian service therein, which I recommend be approved by you. In view of the organization as proposed by Governor Stevens, I have estimated for the expenses of the Indian service in Washington Territory, during the last half of the fiscal year ending the 30th June next, and I shall base my estimates for the same objects for the fiscal year ending the 30th June, 1855, on the same plan of organization, unless it is disapproved by you.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Com'r.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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OFFICE OF THE SUPERINTENDENT OF INDIAN AFFAIRS,  
*Olympia, Washington Territory, December 29, 1853.*

SIR : I have, in a communication of this date, estimated for the ordinary and incidental expenses of the Indian Department for this Territory for the remaining half of the present and the next fiscal year, and have recommended an appropriation of \$15,000 west of the Cascade mountains, and the same amount east of these mountains, for extinguishing the Indian title.

I have now the honor to propose, and urgently to recommend, that the Territory be organized into three agencies and two sub-agencies. The agency and sub-agency of Puget's Sound, extending from the Cascades to the Pacific, and from the Columbia river to the northern

boundary, embracing some forty different tribes, and about five thousand Indians—the agency to include the tribes on the Straits of Fuca, the lower portion of the sound regions, and the adjacent islands, and the sub-agency for the Columbia portion and the upper regions of the sound. The central agency and sub-agency, extending from the Cascades to the Cour d'Eleine mountains, and from the southern to the northern boundary, embracing the Wallah-Wallah, Palouse, Nez Perces, Takamah, Klickitat, Cour d'Eleine, Spokane, Pend d'Oreille, Colville, and Okanagan Indians. The agency, extending from the southern boundary to the Spokane plain, and the sub-agency, the country north to the British boundary; and the agency of the St. Mary's valley, including the eastern portion of the territory inhabited by the Flathead and Kauteney Indians; but on the route of all the Indians going to the buffalo hunt, and the scene of many border difficulties with the Black-feet and Crows, the superintendents, agents, and sub-agents, to have one interpreter each.

I have also to recommend that five thousand dollars be appropriated for agency buildings, but not to be expended till negotiations have been entered into, the question of reservations settled, and the proper place for the agencies determined.

Appropriations, which may be wanted for farmers, teachers, artisans, &c., &c., will appropriately come up for consideration in negotiating treaties after the passage of the necessary laws by Congress.

I am, sir, very respectfully, your most obedient,

ISAAC I. STEVENS,

*Governor and Superintendent.*

HON. GEORGE W. MANYPENNY,  
*Commissioner, &c., Washington City.*

## REPORT

OF

### THE SECRETARY OF THE INTERIOR,

MADE IN .

*Compliance with a resolution of the Senate in relation to the United States  
Insane Asylum in the District of Columbia.*

FEBRUARY 23, 1854.—Referred to the Committee on the District of Columbia, and ordered  
to be printed.

DEPARTMENT OF THE INTERIOR,  
Washington, February 21, 1854.

SIR: On the 14th instant, I had the honor to receive from the Senate  
a resolution in the following words, viz.:

*“Resolved, That the Secretary of the Interior be requested to inform  
the Senate what deficiency, if any, there is in the appropriation to com-  
plete the hospital for the insane of the District of Columbia, and of the  
army and navy, the cause of any such deficiency, and whether, in his  
opinion, any additional appropriation will be required to complete the  
work, and if so, how much; and, also, whether the sites selected are  
the most proper and convenient, and what sums have been respectively  
paid for those sites, and whether such sums were or were not reason-  
able, compared with the value or prices of land in the vicinity of those  
sites.”*

Upon the receipt of the resolution, it was referred to the superin-  
tendent of the hospital for a report, which I now have the honor to  
transmit, accompanied by a diagram, exhibiting sections A, B, C, D  
and E, being that portion of the building now being erected, and his  
estimate of the amount required to complete the same.

From these it appears that of the appropriation of \$100,000 made  
by the act approved 31st of August, 1852, (acts of 1st session 32d  
Congress, ch. 108, p. 92,) there remains at this time in the Treasury  
unexpended the sum of \$30,445 65.

At present, therefore, no actual deficiency exists. But to complete  
and fit up those sections of the building for the reception of patients,  
the superintendent estimates the amount required as being about  
\$48,654 65. This exceeds the amount now in the Treasury by  
\$18,209, and, according to the present estimate of the superintendent,  
the appropriation of that sum will be required for the completion of  
the work.



As to the eligibility of the sites, and the reasonableness of the sums paid therefor, as compared with other locations, and the value or prices of other land in the same vicinity, I have never felt called upon to inquire, for the reason that, prior to my taking charge of the department, the two tracts composing the site had been purchased, the plan of the building adopted, and the work commenced, and particularly in view of the fact that my predecessor had, on the 28th of December, 1852, made a report to the Senate, in answer to their resolution of the 20th of that month, requiring him "to inform the Senate whether any steps have been taken to establish a lunatic asylum in this District, and if so, what has been done; particularly whether a site for the asylum has been purchased, and if so, where the same is located, the quantity of land purchased, and the price of such land, and whether the purchase is absolute or conditional, and what part of the price has been paid; also, how much of the appropriation of one hundred thousand dollars is expended, and for what purpose expended," after which no further action by the Senate seems to have been deemed necessary.

That report will be found at length in Senate executive document No. 11, 32d Congress, 2d session, and as it states the price and aggregate amount paid for the land in question, a copy of it is herewith submitted.

I may state, however, that, on several occasions, I have visited the spot, with a view to watch the progress and inspect the character of the work, and have seen nothing to induce me to doubt the correctness of the representations heretofore made by the superintendent and others, or those now made by him, respecting the reasonableness of the amount paid for the land, or the suitability of the location, in every respect, for the objects intended to be accomplished.

As to the cause of the anticipated deficiency in the appropriation heretofore made for this object, I am of the opinion that it resulted from the circumstances stated in the report of the superintendent.

I have the honor to be, with much respect, your obedient servant,  
R. McCLELLAND, *Secretary*.

Hon. D. R. ATCHISON,  
*President of the Senate.*

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UNITED STATES HOSPITAL FOR INSANE,  
*Washington, February 18, 1854.*

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, accompanied by a copy of a resolution of the Senate relating to this hospital, dated the 13th instant, and hasten respectfully to submit to the department the information requested.

1. *Deficiency.*—After the purchase of the farm and site upon which the hospital is now being erected \$73,000 remained, and it was estimated that the necessary preparations for building could be made, and an edifice of a certain size and description could be erected, for that sum. That estimate was, however, necessarily hypothetical, and based upon the cost of building the preceding year.

No sooner were the advertisements for proposals for the heaviest work issued, than the price of materials and labor began to advance, and in the course of six months, ending with the end of July, 1853, during which month there was a general "strike" among mechanics and laborers, the rise varied, on different materials and different kinds of labor, from  $12\frac{1}{2}$  to 50 per cent. That rise caused several of the lowest bidders to be released from their obligations to enter into contract, and the most important contract entered into to be annulled, and also occasioned the partial or tardy fulfilment of most of the other contracts. It then became necessary to prosecute the work by day labor, and though I am well satisfied it will prove not only more durable but more economical at the end of ten years than if it had been done chiefly by contract, it is, nevertheless, for the reasons now stated, costing just about 25 per cent. more than could have been anticipated when it was commenced, which is the general increase in the cost of building in this District that leading builders certify has taken place within the last fifteen months.

Recent movements among mechanics render a still further advance in materials and wages quite probable, but if the deficiency herewith reported should be removed by an appropriation, every endeavor will be made to limit the cost of the completion of the building, as now commenced, to the estimates, which, with an explanatory tracing, accompany this letter.

2. *Propriety and convenience of the site.*—For the principal information it is in my power to communicate under this head, I beg to refer you to the report upon this and other subjects, made to the Senate by your predecessor in December, 1852, a copy of which is herewith transmitted; and to add that the experience of the past year has entirely confirmed, so far as one season could, all that is stated in that report in favor of the location. I may also add that in May last most of the members of the association of medical superintendents of American institutions for the insane, then holding their annual meeting in Baltimore, visited this site and recorded their judgment as to whether it was a proper and convenient one, in the following resolution:

"*Resolved*, That the members of the association, after a careful visit and examination of the site of the United States hospital for the insane of the army and navy, and of the District of Columbia, have great satisfaction in being able to express their entire approval of the situation selected for the institution, and of the plans for the building which have been adopted by the government."

3. *Cost of the site, &c.*—For "what sums have been respectively paid for those sites," I again respectfully refer you to the third page of the accompanying printed report to the Senate, made upwards of a year ago, to which allusion has already been made.

4. As to whether the sums paid for the site "were or were not reasonable compared with the value or prices of land in the vicinity," I have to say that, in my judgment, the sums paid were very reasonable compared with the price and relative value, for the object in view, of lands in that immediate neighborhood, or in any other direction equally distant from Washington and within the district.

The principal purchase was for about \$135 per acre, while I am

credibly informed that before the location of the hospital, \$200 per acre were offered and refused for the farm that bounds it on the southwest, and for the farm on the other hand separated from it by the public road, \$100 an acre was asked when the government purchased, and any less sum has been steadily refused; and I think no one who should carefully examine these three properties would hesitate to conclude that the hospital farm was worth much more than their average value.

It will perhaps be considered conclusive upon this point if I add that Mr. Blagden, of whom the purchase was made, did not offer it to the government for this purpose, and considered he made a sacrifice in parting with his farm for the sum paid for it, and stood ready to take it back and restore the purchase money, at any time before the buildings were commenced.

I am, sir, very respectfully, your obedient servant,

C. H. NICHOLS,  
*Superintendent.*

HON. ROBERT McCLELLAND,  
*Secretary of the Interior.*

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*Estimated cost of finishing the Hospital for the Insane of the District of Columbia, and of the army and navy, as now commenced.*

At this date, a balance of the appropriation of August 31, 1852, of \$30,445 65, remains unexpended.

The sections marked C, D, and E, on the accompanying tracing, are now enclosed, and the estimated cost of the interior materials and work yet to be furnished and done, and of furnishing, is \$10,445 65, which leaves \$20,000 towards the completion of sections A and B.

The foundations of sections A and B are laid, and the brown-stone facing of the sub-basement is cut, and a portion of it set.

*Estimated cost of completing sections A and B.*

Bricks, lime, sand, and brick-laying .....	\$10,000
Lumber .....	6,500
Carpenter's work .....	4,500
Plastering, 9,482 yards, at 30 cents .....	2,844
Glazing .....	240
Double-leaded tin roof .....	1,100
Cast-iron window sash .....	604
Do. heads and sills .....	1,300
Cast-iron drain and soil pipe .....	350
Belt course of brown stone .....	576
Iron stairway .....	450
Wood sash and hanging .....	150
Hardware .....	400
Painting .....	1,100
Battlement, 356 feet, at \$4 .....	1,424
Heating apparatus .....	1,700

Furniture .....	\$1,000
Cooking and washing apparatus .....	500
	<hr/>
	34,737
Add 5 per cent. for hauling and sundries .....	1,736
Do. salaries .....	1,736
	<hr/>
	38,209
Deduct amount on hand for that purpose .....	20,000
	<hr/>
Deficit required to complete the hospital building as now commenced .....	18,209
	<hr/>
An estimated advance of 25 per cent. on \$73,000, is .....	18,250
Or \$41 more than the estimated deficit.	

C. H. NICHOLS,  
Superintendent.

WASHINGTON, February 18, 1854.

*Report of the Secretary of the Interior, communicating, in compliance with a resolution of the Senate, information as to the steps taken to establish a Lunatic Asylum in the District of Columbia.*

DECEMBER 30, 1852.—Ordered to lie on the table, and be printed.

DEPARTMENT OF THE INTERIOR,  
Washington, December 28, 1852.

SIR: In obedience to the resolution of the Senate, adopted on the 20th instant, requesting the Secretary of the Interior "to inform the Senate whether any steps have been taken to establish a Lunatic Asylum in this District; and if so, what has been done; particularly whether a site for the asylum has been purchased; and if so, where the same is to be located; the quantity of land purchased, and the price of such land; and whether the purchase is absolute or conditional; and what part of the price has been paid: also, how much of the appropriation of one hundred thousand dollars is expended, and for what purpose expended,"—I have the honor to report:

That shortly after the passage of the law authorizing the establishment of an asylum for the insane of the District of Columbia, and of the army and navy of the United States, my attention was directed towards the execution of the benevolent purposes of Congress. I was aware, not only from the general nature of the duty devolved on me, but from personal observation and experience, during an official connexion of fourteen years as a director of one of the largest and best conducted institutions of the kind in our country, of the importance of proceeding with great caution and circumspection in every measure relating to its organization.

My first step after consultation, with the President, was to seek the counsel of an able and experienced superintendent of an established asylum, in regard to the various elements which should enter into the calculation in selecting a suitable site. By him I was referred to the proceedings of "the Association of Medical Superintendents of American Institutions for the Insane," held at Philadelphia May 21, 1851, as containing twenty-six fundamental rules, expressive of the unanimous judgment of that enlightened body of men, on all the questions embraced by my inquiries.

Upon reference to these rules, (a copy of which accompanies this report,) I found that several important principles had been settled relative to the proper location of such institutions.

1st. That every hospital for the insane should be in the country, not within two miles of a large town, and accessible at all seasons.

2d. That no public institution should possess less than one hundred acres of land.

3d. That there should be an abundant supply of water convenient to the asylum.

4th. That a location should be selected which would admit of underground drainage, convenient pleasure-grounds, and an agreeable prospect.

Many important propositions were also announced by that association, in regard to the construction of such institutions—to one of which I deem it necessary at present more particularly to refer. I allude to the 4th rule, which is in the following words :

"No hospital for the insane should be built without the plan having been first submitted to some physician or physicians, who have had charge of a similar establishment, or are practically acquainted with all the details of their arrangements, and received his or their full approbation."

Having carefully considered these resolutions, the President and myself devoted several days to the examination of a number of sites which had been brought to our notice in the neighborhood of the city. We personally visited and examined almost every tract of land north and east of the city, from the vicinity of Georgetown to the Potomac river, east of the navy yard. Finding ourselves somewhat embarrassed in making a selection, and foreseeing the necessity of employing a suitable superintendent to take charge of the establishment from its commencement, we concluded that it was the wisest course to avail ourselves of the assistance of an experienced medical superintendent in the choice of a site, as well as in the arrangement and construction of the building.

After consultation, therefore, with persons well informed on the subject, the President determined to appoint Doctor Charles H. Nichols, a gentleman who was recommended to him as possessing every qualification, mental, moral, and physical, for the able and faithful discharge of the duties. To high scientific attainments Dr. Nichols united the advantages of a practical experience of twelve years as one of the physicians of the New York State Institution and Bloomingdale asylum.

Having succeeded in obtaining the services of Dr. Nichols, he was requested to examine all the sites which had been suggested, and to report their respective advantages and disadvantages. I also invited

Miss D. L. Dix, a lady no less distinguished for high intellectual qualities than for her benevolence, and whose name is inseparably associated with this particular department of philanthropy, to give us the benefit of her advice and experience in the selection of the best location for the asylum. To this proposition she kindly acceded; and after a very minute examination, extending through a period of a fortnight, Dr. Nichols and herself concurred in recommending the farm of Mr. Thomas Blagden, situated about two and a half miles southeast of the Capitol, and about a mile east of the navy yard, as the most eligible site.

Neither the President nor myself had previously visited this farm; but at the suggestion of Dr. Nichols and Miss Dix, we examined it carefully, and came to the conclusion that it was incomparably the best location. The tract of land embraced about one hundred and eighty-five acres, nearly one-half of which is in a high state of cultivation, and the remainder in timber. The situation is beautiful, commanding a fine view of the city of Washington, of Georgetown, Alexandria, and the circumjacent country for many miles. The surface of the ground is well adapted for an extensive range of buildings, and the woodland furnishes every convenience for pleasure-grounds. There are two copious and permanent springs on the tract, sufficiently near the proposed site for the buildings, and the facilities of access and for drainage are as good as could be desired. Believing that no place could be found embracing so many advantages, this tract of land has, with the sanction of the President, been bought for the sum of twenty-five thousand dollars, which has been paid in full, and a conveyance of the title has been executed and delivered.

Another tract of eight acres, adjacent to the Blagden farm, and which was almost indispensable for the purposes of the asylum, has also been bought for the sum of two thousand dollars, which has likewise been paid, and the conveyance executed. This tract contains a comfortable frame house, and is otherwise well improved. The titles to both tracts have been carefully examined by the attorney for the District of Columbia and by the Attorney General of the United States, and approved by them.

The residue of the appropriation, viz: \$73,000, remains unexpended, though it is subject to a charge for the salary of the superintendent and other incidental expenses of a small amount.

I am satisfied, from my examination of the land, as well as from a comparison of its cost with the prices at which other lands were offered to the government, that the price paid is reasonable. The prices at which other tracts, of greatly inferior quality and less eligibly situated, were offered, ranged from one hundred to five hundred dollars per acre.

As doubts were expressed by some persons as to the salubrity of the particular neighborhood of the selected site, great pains were taken to acquire full and correct information on that point; and from the testimony of several physicians, and others having the best opportunities of forming a correct and disinterested judgment, I think there can be no doubt that the locality selected is, in a remarkable degree, exempt from diseases which ordinarily arise from malaria.

The report of Dr. Nichols, and the accompanying certificates of four physicians who have practised in the immediate vicinity, and in the

families of persons resident on the farm, and of two gentlemen who have known it for thirty years, will, I doubt not, be regarded as conclusive on this branch of the subject.

The superintendent has already sketched the outline of the plan of the proposed edifices ; but before adopting it finally, it has been deemed expedient to lay it before some of the most skilful and experienced superintendents of other asylums, for such improvements as they may be able to suggest. When the plans have thus been carefully revised and matured, they will be placed in the hands of Mr. Walter, the architect of the extension of the Capitol, in order that he may arrange them so as to blend architectural beauty with practical convenience and utility. It is hoped that, in the course of a few weeks, sufficient progress will have been made to justify the advertising for proposals for the execution of the work, to be commenced as early as the season will permit, so that the buildings may be ready for occupancy, if possible, by the first of January, 1854.

I have the honor to be, sir, very respectfully, your obedient servant,

ALEX. H. H. STUART,

*Secretary.*

HON. DAVID R. ATCHISON,

*President pro tempore of the Senate.*



*Report in relation to the Insane Asylum, as requested by the Secretary's letter of the 23d December, with accompanying papers, marked A 1, A 2, A 3, A 4, B 1 and B 2.*

WASHINGTON, D. C., December 24, 1852.

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant, requesting me to furnish the information required by an enclosed copy of a resolution of the Senate of the United States, passed December 20, 1852, relating to the establishment of an hospital for the insane in this District, and have hastened respectfully to comply with your request.

A site for the hospital for the insane of the District of Columbia, and of the army and navy, comprising a farm of about one hundred and ninety acres of land, situated on the southeast side of the Eastern Branch of the Potomac, nearly due south from the Capitol, and about two miles from it in a direct line, has been selected and secured by absolute purchase and full payment, in the sum of twenty-seven thousand dollars "under the direction of the President of the United States," according to the provisions of the appropriation, approved August 31, 1852, authorizing the Secretary of the Interior to establish such an institution. Seventy-three thousand dollars, of the one hundred thousand appropriated, remain unexpended.

The above appears to be all the information actually demanded by the resolution to which it relates ; but on the presumption that it will be satisfactory to the Senate to know the grounds on which it is believed that the site chosen is free from any serious objection, and pre-

sents an extraordinary combination of peculiar advantages for the seat of the important benevolent institution for which Congress has made provision, I venture to add a few details respecting it.

1. *Salubrity*.—The immediate site of the hospital edifice will be one hundred and forty-one rods from the river, and at an elevation above tide-water about as great as the balustrade about the roof of the Capitol. There are no marshes, sluggish streams, nor standing pools of water, either upon the place or in its near neighborhood; and probably no one, after an attentive examination of the locality, would suspect that malaria is to any material extent engendered upon it. By reference to the weather tables kept at the National Observatory, it appears that the prevailing wind in and about the city during the hot season is southerly. This is also the general impression among residents of the District. The hospital, then, will be situated to the windward of whatever sources of malaria there may be on the Anacostia, or Eastern Branch; and several hundred acres of woodland, about ninety of which are on the government premises, will be interposed between the elevated hospital site and any sources of disease in other directions, which are certainly quite distant when considerable.

Theoretically, then, the locality is healthy. Do persons living upon it, or near it, enjoy general good health?

Five white families reside at distances from the proposed site of the institution, varying from fifty to one hundred rods, and I cannot learn that more than one death has occurred within the territory they occupy for four years, and that was a child fourteen months old, that died last summer from cholera infantum. These people generally *look* healthy. The farmer now in charge of the place, with a wife and seven children, *has* resided upon it six years, and for the four last years about two-thirds of the way from the building spot to the river—a situation much lower, as well as nearer the water, than the building spot itself. He *has* had no death in his family during his residence upon this farm, and I learn, both from him and his physician, that the latter has visited his family but seven times for four years. For healthy *appearance*, this family may challenge any other in any place whatever.

Appended, and marked A, are the certificates, relating to the health of this location and neighborhood, of four highly respectable physicians residing in Washington, who have had most of the practice in all that region, and have enjoyed the best opportunities for forming correct opinions upon the subject to which their testimony relates. Three of *them*, it will be noticed, addressed J. Carroll Brent, on account of an adjoining place called "Woodstock." The hospital farm, purchased of Thomas Blagden, is situated a short distance northeast of "Woodstock," or Mrs. Brent's, on the "ridge" running from "Colonel Naylor's to itself," spoken of by Dr. Young.

Marked B are two other letters upon this subject, which are, I believe, worthy of every confidence. One is from George Watterston, a gentleman of high character, as most senators well know, who was in the habit of frequently visiting his brother-in-law, Dr. Hamilton, during the residence of the latter for many years in the neighborhood of the farm purchased of Mr. Blagden. The other is from Lewis Carbery, another gentleman of high character, who has been for twenty-five



years county surveyor of Washington county and of Georgetown, and for twenty-two years a member of the levy court of the District, of which, for the last five years, he has been president. With no extraordinary latitude of expression, this gentleman, in the discharge of his official duties, may be said to have measured with his own steps every yard of ground composing the tract under consideration; and, indeed, of nearly every other tract in the District. Additional testimony of like character might be presented to almost any extent; but presuming that already brought forward will be considered ample, in connexion with the principles and facts first set forth, to place the general salubrity of the hospital site beyond reasonable doubt, I forbear to burden you with more words upon the subject.

2. *Accessibility.*—By Pennsylvania avenue, east Eleventh street, navy yard bridge, and “Piscataway” road, the site is about two and one-half miles from the Capitol. These highways are in excellent order, and above half the distance are made and kept in repair by the government. Five thousand dollars appropriated by Congress at its late session are, it is understood, now being spent in repairing the bridges crossing the Anacostia. The navy yard bridge has been in existence upwards of thirty years, while the population of the city has increased from 13,247 in 1820 to 40,100 in 1850, and the use and need of the bridge has, of course, increased in the same ratio, and there would seem to be no room for reasonable doubt of the continued maintenance of that structure.

Building materials, and heavy supplies after the institution is in operation, such as coal, wood, flour, &c., can all be landed from boats upon its own grounds, only one hundred and forty-one rods from the point of use, with just the same facility that such articles can be delivered upon any wharf in the city. It will be perceived, then, that the location is highly accessible every way, and at the same time so situated that it is not likely to be encroached upon by the growth of the city, and so retired that patients will be very little exposed to its teeming population—conditions generally difficult to attain, and at the same time of the greatest importance.

3. *Water.*—There are on the place two springs of good water, reputed to be unfailing, whose locations are convenient to the proposed site for the hospital. Two small branches pass through the place to the river, and the river itself presents a dernier resort not likely to fail.

4. *Amount of land.*—Every liberally and wisely conducted institution for the care and cure of the insane is exceedingly sensitive in regard to the near proximity of neighbors, especially in considerable numbers, and a majority at least of the old establishments have deeply lamented that more land, at a greater distance from town, was not secured at the outset; though nearly every one has a hundred acres attached to it, and several of them many more. Several of the old institutions are now making definite arrangements to quit their present situations altogether and go further into the country, where they can afford to enjoy more room; while others have bought lands in addition to the original purchases, at greatly advanced rates. In an economical point of view, all provisions consumed in the house and on the farm should be raised upon the premises, except beef, flour, and butter, and groceries. This

plan, with or without assistance from patients in the cultivation of the farm, enables them to have the best food at the least cost, as abundant experiment has shown. The farm purchased is under a high state of cultivation, with a large number of choice, well-set young fruit trees upon it, &c.

5. *Other points of peculiar adaptation.*—The proposed site of the hospital buildings is a broad *tableau*, suitable for an extended series of buildings. Its natural drainage and its facilities for artificial drainage are unsurpassed. The grounds, as they slope away to the north from the upper *tableau* towards the river, are broken with several ravines, with broad promontories between them, so as to admit of the regular subdivision of the pleasure-grounds by walls that will not be “unpleasantly visible from the building,” nor intercept the view of the surrounding country. The view which will be enjoyed by the patients comprises all of the cities of Washington, Georgetown and Alexandria, the heights north of the two former, the Virginia hills on the south, and the Potomac and Eastern Branch for several miles. These features are of immense consequence. This is so well understood among practical persons, that there is no establishment in the country that has not, in some one or more of its published documents, attempted to laud the attractive beauty of the landscape about it. The moral treatment of the insane, with reference to their cure, consists mainly in eliciting an exercise of the attention with things rational, agreeable, and foreign to the subject of delusion; and the more constant and absorbing is such exercise, the more rapid and effectual will be the recovery; but many unbroken hours must elapse each day, during which it is on every account impracticable to make any direct active effort to engage and occupy the patients’ minds. Now, nothing gratifies the taste, and spontaneously enlists the attention, of so large a class of persons, as combinations of beautiful natural scenery, varied and enriched by the hand of man; and it may be asserted with much confidence, that the expenditure of a thousand dollars each year, directed to the single object of promoting the healthy mental occupation of one hundred insane persons, with either amusements or labor, would not be so effectual in recalling reason to its throne, as will the grand panorama of nature and of art, which the peculiar position of the site chosen so happily commands. The shifting incidents of the navigation of the Potomac, the flight of the railroad cars to and from the city, the operations at the navy yard, &c., will continually renew and vary the interest of the scene.

About ninety acres of the farm are in high and broken woodland, through which some five miles of winding roads have been made by the late proprietor, that will afford highly agreeable, healthful, and entirely private pleasure walks for the patients during the warm season.

The institution itself will be one of the most conspicuous ornaments of the District, and will be visible to more people, and from more points, than any other structure, excepting, perhaps, the Capitol, and the Washington Monument when completed.

6. *Future operations.*—Such a plan of an institution is about to be submitted to you for the approval of the President and yourself, as the means at your command will build and fit up, and as will be ample

to accommodate the insane now supported by government, both from civil life and from the army and navy. This plan will be susceptible of receiving any additions future necessity may require.

I am, sir, with great respect, your obedient servant.

C. H. NICHOLS,

*Superintendent Hospital for the Insane.*

HON. ALEX. H. H. STUART,

*Secretary of the Interior.*

A 1.

WASHINGTON CITY, December 2, 1852.

DEAR SIR: Some days since I received a note from you, asking my opinion as to the healthfulness of the region in which the farm lies now owned by Mrs. Wm. Brent—formerly by Mr. Mosher and Dr. Hamilton. I have known the locality familiarly, as a practitioner of medicine, for more than twenty years; have always regarded it as a healthy region, and, in fact, never saw but one case of severe bilious or miasmatic fever on it; and that one, Dr. Hamilton believed was engendered some miles below, in Prince George's county, Maryland. The ridge on which this farm stands, from Colonel Naylor's farm to itself, I have always regarded as remarkably healthy for a southern climate.

Very respectfully, your obedient servant,

N. YOUNG.

J. CARROLL BRENT, Esq., *Washington, D. C.*

A 2.

WASHINGTON, November 20, 1852.

DEAR SIR: In a conversation with you a few days since, you expressed a desire to have my opinion relative to the salubrity of "Woodstock" and its vicinity. As regards "Woodstock," I can speak confidently of its immunity from disease, and freedom from causes that produce disease. I feel assured that it will compare favorably with any other portion of the District south and east of the Anacostia in this particular, (health.) Of its vicinage my experience has been but limited; but from my own observation of its locality, &c., and conversation with the practitioners of medicine engaged and residing in the neighborhood, I am induced to believe that it might challenge any other section of this region to produce its superior in point of salubrity.

Respectfully, your obedient servant,

J. ELIOT.

JOHN C. BRENT, Esq.

## A 3.

WASHINGTON, D. C., *November 19, 1852.*

DEAR SIR: Your note of to-day, asking my opinion as to the health of that section of Washington county, D. C., lying east and south of the Eastern Branch, &c., was received.

In reply, I beg to state that, during the last ten years, I have had ample opportunities of observation on that subject, as the neighborhood alluded to is embraced within the circle of my medical practice; and you are aware that a residence of two years in the immediate vicinity of the localities referred to, enables me to speak with some degree of confidence.

I consider the entire section as much exempt from malarial influences as any other around this city, and the ridge of land embracing portions of Blagden's farm, "Woodstock," "St. Elizabeth," &c., extending eastwardly beyond "Good Hope," to enjoy remarkable immunity. At this moment I cannot recall a single instance of death from fever which has occurred in the period alluded to—certainly not one—in my practice, which could be justly attributed to causes of local origin. I might allude particularly to the health of Mr. Young's farm, (Giesboro',) lying at one extreme of the tract referred to, where, with an average number in family of fifty persons, instances of attacks of autumnal disease are very rare. By reference to my book, I ascertain that the amount paid by Mr. Young for medical attention to the families on both his plantations, where there constantly reside more than one hundred persons, will not average in the last ten years forty dollars per annum.

Very truly and respectfully, your friend and obedient servant,

G. M. DOVE, *M. D.*

J. C. BRENT, Esq.

## A 4.

WASHINGTON CITY, *December 23, 1852.*

DEAR SIR: Understanding that representations prejudicial to the character for healthiness of the site chosen for the United States Lunatic Asylum have been made, I take the liberty of addressing you upon the subject.

An acquaintance of twenty-five years with the locality selected, together with an intimate professional knowledge of the health of the neighborhood and the diseases incident thereto, enables me to express myself with confidence. I know of no section of country so free from objections as the one in question. The tract of land known as "St. Elizabeth," originally containing (I think) over two thousand acres, has been proverbial for its healthiness, and that part now called "Blagden's Farm" is the choicest portion thereof. For the last three years I have been the professional attendant of the family living upon Mr. Blagden's place; during that time there have been but two cases of bilious fever

and those of a very mild character, yielding readily to the simplest treatment.

The family consists of ten or twelve persons: in addition, I attend five or six families immediately surrounding this farm. I cannot recollect but one single case of fever in that vicinity during the past summer. But one death occurred in my practice, and that was a patient aged fourteen months, of *cholera infantum*. In fact, the site in question will not only compare favorably with any near this city, but is in my judgment unusually exempt from disease, as well as the elements thereof. In this opinion I am confirmed by my professional brethren who have had an opportunity of becoming informed upon the subject.

Respectfully, &c., &c., your obedient servant,

A. W. MILLER, M. D.

Dr. C. H. NICHOLS.

B 1.

WASHINGTON, December 21, 1852.

DEAR SIR: Agreeably to your request, I take great pleasure in stating that I have known the locality which has been selected as the site of the proposed lunatic asylum, on the southern bank of the Eastern Branch, for several years; and from that knowledge, and an acquaintance with the places a short distance south of it, I have no hesitation in saying that I consider the spot chosen as one that could not be surpassed as it respects fitness, healthfulness, and picturesque beauty. I have never heard that the portion of the District referred to has been otherwise than healthy.

Very respectfully, yours, &c.,

GEO. WATTERSTON.

Dr. C. H. NICHOLS.

B 2.

GEORGETOWN, December 21, 1852.

DEAR SIR: In consequence of my absence from home, I am just in receipt of your communication of the 18th instant.

In my reply to which, may I say that I am happy to bear testimony, so far as my information extends, to the general healthiness of the situation you have selected for the government insane asylum, to wit: the farm of Mr. Thomas Blagden, lying on the east side of the Eastern Branch of the Potomac.

I have been well acquainted with that position and the surrounding country from the year 1805 up to this time, having resided at the navy yard in Washington for ten or fifteen years; and, throughout all time since, I have had, if possible, a more intimate knowledge of that part of our District and have ever heard it spoken of for its general healthi-

ness, and all my personal knowledge confirms that general opinion. It is true that I have heard of some few cases of ague and fever down on the flats, where the late James D. Barry resided, and near which there was much low swampy land. The chain of hills next above the flat land bordering the Eastern Branch, I believe to be as healthy as any part of the District of Columbia; and I think it is generally believed that this District is as well known for its general health, nearly, as it is known for its being the seat of the general government.

Even as regards the flat land bordering the river, on the east side thereof, I believe no just objection can be brought against it for want of general good health. The late Dr. C. B. Hamilton has frequently observed to me, "that the whole country about there was so healthy that a physician, who might solely rely upon his practice there, would starve;" and the Doctor lived there, or near by it, for many years.

I feel every confidence that the opinion and facts above given will be confirmed by every disinterested and unprejudiced person who has had an opportunity of knowing the general character of the place for health.

I am, very respectfully, your obedient servant,

LEWIS CARBERRY.

Dr. C. H. NICHOLS.

At a meeting of "THE ASSOCIATION OF MEDICAL SUPERINTENDENTS OF AMERICAN INSTITUTIONS FOR THE INSANE," held in Philadelphia, May 21, 1851, the following propositions relative to the construction and arrangements of hospitals for the insane, after mature consideration, were unanimously adopted, and directed to be published in the medical journals of the continent, as the sentiments of the association on the subjects referred to, viz:

I. Every hospital for the insane should be in the country, not within less than two miles of a large town, and easily accessible at all seasons.

II. No hospital for the insane, however limited its capacity, should have less than fifty acres of land devoted to gardens and pleasure-grounds for its patients. At least one hundred acres should be possessed by every State hospital, or other institution for two hundred patients, to which number these propositions apply, unless otherwise mentioned.

III. Means should be provided to raise ten thousand gallons of water, daily, to reservoirs that will supply the highest parts of the building.

IV. No hospital for the insane should be built without the plan having been first submitted to some physician or physicians, who have had charge of a similar establishment, or are practically acquainted with all the details of their arrangements, and received his or their full approbation.

V. The highest number that can with propriety be treated in one building is two hundred and fifty, while two hundred is a preferable maximum.

VI. All such buildings should be constructed of stone or brick, have slate or metallic roofs, and, as far as possible, be made secure from accidents by fire.

VII. Every hospital, having provision for two hundred or more patients, should have in it at least eight distinct wards for each sex, making sixteen classes in the entire establishment.

VIII. Each ward should have in it a parlor, a corridor, single lodging-rooms for patients, an associated dormitory communicating with a chamber for two attendants, a clothes-room, a bath-room, a water-closet, a dining-room, a dumb-waiter, and a speaking-tube leading to the kitchen, or other central part of the building.

IX. No apartments should ever be provided for the confinement of patients, or as their lodging-rooms, that are not entirely above ground.

X. No class of rooms should ever be constructed without some kind of window in each, communicating directly with the external atmosphere.

XI. No chamber for the use of a single patient should ever be less than eight by ten feet, nor should the ceiling of any story occupied by patients be less than twelve feet in height.

XII. The floors of patients' apartments should always be of wood.

XIII. The stairways should always be of iron, stone, or other indestructible material, ample in size and number, and easy of ascent, to afford convenient egress in case of accident from fire.

XIV. A large hospital should consist of a main central building, with wings.

XV. The main central building should contain the offices, receiving-rooms for company, and apartments entirely private, for the superintending physician and his family, in case that officer resides in the hospital building.

XVI. The wings should be so arranged that, if rooms are placed on both sides of a corridor, the corridors should be furnished at both ends with movable glazed sashes, for the free admission of both light and air.

XVII. The lighting should be by gas, on account of its convenience, cleanliness, safety, and economy.

XVIII. The apartments for washing clothing, &c., should be detached from the hospital building.

XIX. The drainage should be under ground, and all the inlets to the sewers should be properly secured to prevent offensive emanations.

XX. All hospitals should be warmed by passing an abundance of pure, fresh air from the external atmosphere, over pipes or plates containing steam under low pressure, or hot water, the temperature of which at the boiler does not exceed 212° F., and placed in the basement or cellar of the building to be heated.

XXI. A complete system of forced ventilation, in connexion with the heating, is indispensable to give purity to the air of an hospital for the insane; and no expense that is required to effect this object thoroughly can be deemed either misplaced or injudicious.

XXII. The boilers for generating steam for warming the building should be in a detached structure, connecting with which may be the engine for pumping water, driving the washing apparatus, and other machinery.

XXIII. All water-closets should, as far as possible, be made of in-

destructible materials, be simple in their arrangement, and have a strong downward ventilation connected with them.

XXIV. The floors of bath-rooms, water-closets, and basement stories should, as far as possible, be made of materials that will not absorb moisture.

XXV. The wards for the most excited class should be constructed with rooms on but one side of a corridor, not less than ten feet wide, the external windows of which should be large, and have pleasant views from them.

XXVI. Wherever practicable, the pleasure-grounds of an hospital for the insane should be surrounded by a substantial wall, so placed as not to be unpleasantly visible from the building.

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*Copy of the appointment of Dr. Charles H. Nichols as Superintendent of the Insane Asylum.*

DEPARTMENT OF THE INTERIOR,  
*Washington, November 5, 1852.*

SIR: At the last session of Congress, \$100,000 was appropriated for the purchase of a site, and the erection, fitting up, and furnishing an hospital for the insane of the District of Columbia, and of the army and navy of the United States.

It is the desire of the President that the proposed hospital shall be a model institution, embracing all the improvements which science, skill, and experience, have introduced into modern establishments. To enable him to accomplish this object, he has selected you to take charge of the work from its inception. He wishes to avail himself of your aid in the selection of a site, which shall combine all the necessary advantages of health, water, drainage, prospect, &c.; and he also desires your advice and assistance in planning the buildings, and superintending their erection.

If the insane of the District should be brought back from Maryland, where they now are, to the city of Washington, they will also be committed to your charge.

For these various duties your compensation will be at the rate of \$2,500 per annum, to commence on the 26th of October, when, under verbal instructions from this department, you commenced the discharge of your duties.

Very respectfully, your obedient servant,

ALEX. H. H. STUART, *Secretary.*

Dr. CHARLES H. NICHOLS, *Washington City.*









MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A set of works illustrative of the Exhibition in London of 1851, presented by the British government to that of the United States.*

JANUARY 24, 1854.—Referred to the Committee on the Library.

FEBRUARY 23, 1854.—Ordered to be printed.

*To the Senate and House of Representatives :*

I transmit to Congress a report of the Secretary of State, together with the set of works illustrative of the Exhibition in London of 1851, to which it refers, in order that such disposal may be made of them as may be deemed advisable.

FRANKLIN PIERCE.

WASHINGTON, January 23, 1854.

DEPARTMENT OF STATE, January 23, 1854.

The Secretary of State has the honor to lay before the President a copy of a note addressed to this department by her Britannic Majesty's minister in Washington, together with a set of works illustrative of the Exhibition in London of 1851, to which that note refers.

Respectfully submitted.

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

WASHINGTON, August 22, 1853.

SIR: With reference to my letter to the late Mr. Webster of the 10th of July, 1852, on the subject of the delay which the calamitous fire at Messrs. Clowes' would necessarily cause in the transmission of the sets of works illustrative of the Exhibition in London of 1851, intended for presentation to the governments of the respective countries that took part in the exhibition, I have now the honor to inform you that the sets of works in question have been completed, and that one set of

them has been transmitted to me by her Majesty's government, with an instruction to me to present it to the government of the United States.

In obedience to this instruction, I have now the honor to transmit herewith a case containing the presentation volumes and medals, and to request the government of the United States to accept its contents as a testimony of the high sense entertained by her Majesty's commissioners for the exhibition of 1851, of the valuable assistance afforded to them throughout their labors from the governments of the different nations of the world, whose cordial co-operation so materially contributed to the success of the exhibition, and alone rendered it a worthy representation of what it had been from the first designed by them to represent, namely, the present state of the industry of all nations.

I am likewise instructed to state that it affords her Majesty's commissioners much satisfaction to have it in their power to record in permanent manner, by means of the slight tokens alluded to in this letter, the feelings existing on their part, and that they trust that the great exhibition which they are intended to commemorate may prove to have been, under the blessing of Providence, of no immaterial service in aiding to cement and draw yet closer the bonds of amity and peace throughout the world; and I am also directed to add that her Majesty's government appreciate highly the co-operation which was so cordially afforded to the exhibition by the government of the United States.

The set of works in question contains the following series of nine volumes:

Jury Reports, illustrated with photographs of articles exhibited, four volumes.

First and second reports of the commissioners, one volume.

Illustrated catalogue, three volumes.

Medals struck by order of the commissioners, one volume.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

The Hon. W. L. MARCY.

REPORT  
OF  
THE SECRETARY OF WAR,  
SHOWING

*The contracts made under authority of the War Department during the year 1853.*

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FEBRUARY 24, 1854.—Ordered to lie on the table and be printed.

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WAR DEPARTMENT,  
*Washington, February 23, 1854.*

SIR: In compliance with the requirements of the acts of April 20, 1808, and March 3, 1809, I have the honor to transmit herewith statements showing what contracts have been made, under the authority of this department, during the year 1853.

Very respectfully, your obedient servant,  
JEFFERSON DAVIS,  
*Secretary of War.*

Hon. D. R. ATCHISON,  
*President of the Senate.*

*Statement of contracts made during the year 1853, for works under the charge of the Bureau of Topographical Engineers.*

2

S. Doc. 37.

No.	Place and date.	Parties.	Sureties.	Article or thing contracted for.
1	New Buffalo, Michigan, January 13, 1853.	R. L. Phillips, with Colonel J. J. Abert.	.....	Timber, stone, &c.—For furnishing and delivering at the harbor of New Buffalo, Michigan, on or before the 30th day of June, 1853, the following materials, viz: 150 pieces hewn white oak, 30 feet long, 14 inches square, for the sum of \$517 50. 150 pieces hewn white oak, 40 feet long, 14 inches square, for the sum of \$1,012 50. 100 pieces hewn white oak, 60 feet long, 14 inches square, for the sum of \$1,680. 10 pieces hewn white oak, 60 feet long, 16 inches square, for the sum of \$240. 100 white oak piles, 30 feet long, for the sum of \$270. 9,000 pounds bolt iron, for the sum of \$427 50. 300 cords stone, for the sum of \$3,000. Steam Engine, &c.—For furnishing the necessary materials and constructing for the United States a double steam engine, for a dredge boat, with fixtures and fastenings complete; to be delivered on or before the 15th day of April, 1853, for the sum of \$5,000.
2	Louisville, Kentucky, January 14, 1853.	W. H. Grainger, with Joshua Barney, agent.	F. Fosdick.....	
3	Albany, New York, January 19, 1853.	Daniel Wormer, with Col. J. J. Abert.	.....	Timber, stone, &c.—For furnishing and delivering at the harbor of Sodus bay, Cayuga county, New York, on or before the 30th day of June, 1853, the following materials, viz: 280 pieces hewn timber, each 30 feet long, 14 inches square; 400 pieces hewn timber, each 30 feet long, 12 inches square, and 80,000 feet, board measure, 3-inch pine plank, 6 inches wide, for the sum of \$4,789 33. 9,000 pounds bolt iron, for the sum of \$357 75. 650 cords stone, for the sum of \$2,112 50. Machinery for dredge boat.—For furnishing the necessary materials, and constructing for the United States the links, key bolts, and
4	Louisville, Kentucky, January 19, 1853.	A. Vandeventer, with J. Barney, agent.	.....	

5	Jeffersonville, Indiana, January 19, 1853.	D. & S. Howard, with J. Barney, agent.	per pound. The whole to be delivered on or before the first day of April, 1853. Dredge boat.—For furnishing the necessary materials and constructing, for the United States, the hull of a steam dredge boat, to be completed on or before the 15th day of March, 1853, for the sum of \$4,700.
6	Albion, New York, January 20, 1853.	Philetus Bumpus and O. Tousley, with Colonel J. J. Abert.	Timber, stone, &c.—For furnishing and delivering at the harbor of Oak Orchard creek, New York, on or before the 30th day of June, 1853, the following materials, viz : 280 pieces hewn timber, each 30 feet long, 14 inches square, 400 pieces hewn timber, each 30 feet long, 12 inches square, and 80,000 feet, board measure, 3-inch pine plank, 6 inches wide, for the sum of \$3,848 18. 900 pounds bolt iron, for the sum of \$405. 650 cords stone, for the sum of \$2,112 50. Timber, stone, &c.—For furnishing and delivering at the harbor of Sodaus bay, Wayne county, New York, on or before the 30th day of June, 1853, the following materials, viz : 280 pieces hewn timber, each 30 feet long, to square 14 inches, for the sum of \$1,620 20. 400 pieces hewn timber, each 30 feet long, to square 12 inches, for the sum of \$1,719 30. 900 pounds bolt iron, for the sum of \$450. 650 cords of stone, for the sum of \$1,300. 80,000 feet pine plank, 3 by 6 inches, for the sum of \$1,040.
7	Fulton, New York, January 20, 1853.	Charles J. and Henry De-graw, with Colonel J. J. Abert.	Timber, stone, &c.—For furnishing and delivering at the harbor of Racine, Wisconsin, on or before the 30th day of June, 1853, the following materials, viz : 360 pieces hewn white oak, 32 feet long, 12 inches square, for the sum of \$1,382 20. 450 pieces hewn white oak, 30 feet long, 12 inches square, for the sum of \$1,620. 640 pieces hewn white oak, 25 feet long, 12 inches square, for the sum of \$1,920. 90,000 feet, board measure, 3-inch pine plank, for the sum of \$1,080 9,000 pounds bolt iron, for the sum of \$540. 350 cords stone, for the sum of \$2,537 50.
8	Waukegan, Illinois, January 21, 1853.	Calvin C. Parks, with Col. J. J. Abert.	Timber, stone, &c.—For furnishing and delivering at the harbor of Burlington, Vermont, on or before the 31st day of May, 1853, the following materials, viz :
9	Burlington, Vermont, February 22, 1853.	Henry B. Stacy, with Col. J. J. Abert.	



## STATEMENT—Continued.

No.	Place and date.	Parties.	Sureties.	Article or thing contracted for.
9	Burlington, Vermont, February 22, 1853.	Henry B. Stacy, with Col. J. J. Abert.	.....	<p>Timber, stone, &amp;c.—Continued.</p> <p>270 pieces hemlock timber, from 46 to 50 feet in length, at ten cents per lineal foot.</p> <p>71 pieces hemlock timber, from 40 to 44 feet in length, at 9½ cents per lineal foot.</p> <p>397 pieces hemlock timber, from 34 to 38 feet in length, at 9 cents per lineal foot.</p> <p>210 pieces white pine, 35 feet long, at 12 cents per lineal foot.</p> <p>70 pieces square white pine, 35 feet long, 15 inches square, at 17½ cents per lineal foot.</p> <p>170 pieces white oak plank, 11 feet long, 12 inches wide, and 3 inches thick, at \$29 per thousand.</p> <p>100 white oak treenails, at 7 cents each.</p> <p>500 pounds wrought iron spike, at 9 cents per pound.</p> <p>8,000 perches stone, at 39 cents per perch.</p>
10	Baldwinsville, New York, February 28, 1853.	C. Hulbert Toll, with Col. J. J. Abert.	.....	<p>Timber, stone, &amp;c.—For furnishing and delivering at the harbor of Erie, Pennsylvania, on or before the first day of May, 1853, the following materials, viz :</p> <p>110 pieces hewed white oak, 30 feet long, 12 inches square, 305 pieces hewed white oak, of 14, 16, and 20 feet in length, and 6 by 10 inches square, at \$20 per thousand feet, board measure.</p> <p>235 white oak piles, 24 feet long, 14 inches square at the large end, at \$6 each.</p> <p>545 pieces cucumber or black ash, of 16 and 30 feet in length, 12 inches square, 630 pieces cucumber or black ash, of 16 and 20 feet in length, 8 inches square, and 100 pieces 14 feet long, 6 by 10 inches square, at \$14 per thousand feet, board measure.</p> <p>425 pieces of hemlock, of 16 and 30 feet in length, 12 inches square, and 400 pieces of hemlock 22 feet long, 3 by 8 inches square, at \$10 per thousand feet, board measure.</p> <p>16,800 pounds bolt iron, at 7 cents per pound.</p> <p>2,000 cords stone, at \$3 25 per cord.</p>



## STATEMENT—Continued.

No.	Place and date.	Parties.	Sureties.	Article or thing contracted for.
14	Milwaukee, Wisconsin, March 8, 1853.	Sweet, Ives & Hawley, with Colonel J. J. Abert.	.....	Timber, stone, &c.—For furnishing and delivering at the harbor of Milwaukee, Wisconsin, on or before the 30th day of June, 1853, the following materials, viz : 960 pieces hewn white oak, of 25, 30, and 32 feet in length, 12 inches square, for the sum of \$4,892 40. 60,000 feet, board measure, 3-inch pine plank, 6 inches wide, for the sum of \$840. 6,000 pounds bolt iron, for the sum of \$300. 400 cords stone, for the sum of \$4,000. Timber, stone, &c.—For furnishing and delivering at the harbor of Manitowoc, Wisconsin, on or before the 30th day of June, 1853, the following materials, viz : 160 pieces hewn white oak, 32 feet long, 12 inches square, for the sum of \$921 60. 200 pieces hewn white oak, 30 feet long, 12 inches square, for the sum of \$1,080. 300 pieces hewn white oak, 25 feet long, 12 inches square, for the sum of \$1,350. 40,000 feet, board measure, 3-inch pine plank, for the sum of \$480. 4,000 pounds bolt iron, for the sum of \$900. 250 cords stone, for the sum of \$9,500. Bridging.—For furnishing the necessary materials, and erecting a bridge across Rum river, at the crossing of the same by the road from Point Douglas to Fort Ripley, to be completed by the 1st day of September, 1853, for the sum of \$2,960.
15	Milwaukee, Wisconsin, March 8, 1853.	Sweet, Ives & Hawley, with Colonel J. J. Abert.	.....	Timber, stone, &c.—For furnishing and delivering at the harbor of Kenosha, Wisconsin, on or before the 30th day of June, 1853, the following materials, viz : 1,450 pieces hewn white oak, of 25, 30, and 32 feet in length, 12
16	St. Anthony's Falls, Minnesota, April 11, 1853.	Orin W. Rice, with Captain J. H. Simpson.	.....	
17	Waukegan, Illinois, April 11, 1853.	Calvin C. Parks, with Col. J. J. Abert.	.....	

18	Milwaukee, Wisconsin, March 8, 1853.	Sweet, Ives & Hawley with Colonel J. J. Abert.	9,000 pounds bolt iron, for the sum of \$3,437 50. 325 cords stone, &c.—For furnishing and delivering at the harbor of Waukegan, Illinois, on or before the 30th day of June, 1853, the following materials, viz: 855 pieces hewn white oak, of 25, 30, and 32 feet in length, 12 inches square, at 18 cents per foot. 60,000 feet 3-inch pine plank, 6 inches wide, at \$12 per thousand feet. 6,000 pounds bolt iron, at 5 cents per pound. 350 cords stone, at \$12 per cord. Steam engine, &c.—For furnishing the necessary materials, and constructing for the United States, a double steam engine, with fixtures and fastenings complete, and setting up the same on a dredge boat now in progress of construction, and for furnishing the castings and wrought iron work necessary to the effective operation of said boat, the whole to be completed on or before the 25th day of June, 1853, and to be paid for at the following prices, viz: For the steam engine and setting up the same, the sum of \$5,000. For iron castings, 5½ cents per pound. For wrought iron work for bucket ladders, 20 cents per pound. For bolts, screws, and nuts, 12½ cents per pound. For dredge buckets, 15 cents per pound. For bucket chains, 16 cents per pound. Dredge boat.—For furnishing the necessary materials, and constructing for the United States the hull of a steam dredge boat, with accommodations for officers, smith's shop, kitchen, &c., complete, to be completed on or before the 28th day of May, 1853, for the sum of \$4,900. Road making.—For opening and constructing so much of the Point Douglass and St. Louis river road as is comprehended between the 49th and 56th mile stations, as established by the United States survey of said road, to be completed on or before the 16th day of August, 1853, for the sum of \$4,234. Road making.—For opening, constructing, and erecting the necessary bridges thereon, so much of the Point Douglass and Fort Ripley road as is comprehended between the 65th and 78th, and between the 78th and 82d mile stations as established by the United States survey of said road, the whole to be completed by the first day of August, 1853, for the sum of \$4,035.
19	Louisville, Ky., March 22, 1853.	W. H. Grainger, with Charles A. Fuller.	H. Bird & Co. and Thomas Frostick.
20	Jeffersonville, Indiana, March 22, 1853.	D. & J. Howard, with C. A. Fuller, agent.	C. S. Simm.
21	St. Paul, Minnesota, April 11, 1853.	Joseph E. Fullerton, and Bolivar B. Ford, with Captain J. H. Simpson.	
22	St. Paul, Minnesota, March 24, 1853.	George W. Sweet, with Captain J. H. Simpson.	

# STATEMENT—Continued.

No.	Place and date.	Parties.	Sureties.	Article or thing contracted for.
23	Louisville, Kentucky, May 2, 1853.	Robert Swann, with Chas. A. Fuller.	.....	Stone.—For furnishing and delivering in line of dam at and near Cumberland island, on the Ohio river, on or before the 30th day of November, 1853, 30,000 tons of stone, at \$1 20 per ton.
24	St. Paul, Minnesota, May 9, 1853.	S. B. Olmstead, with Captain J. H. Simpson.	.....	Road making.—For opening and constructing portions of the Swan river and Long Prairie road, and erecting the necessary bridges thereon, the whole to be completed by the 31st day of July, 1853, for the sum of \$4,505.
25	Stillwater, Minnesota, May 9, 1853.	Albert Harris, with Captain J. H. Simpson.	.....	Bridging.—For furnishing the necessary materials and constructing a bridge across deep Ravine, just below Stillwater, on the Point Douglas and St. Louis river road, to be completed by the 15th day of June, 1853, for the sum of \$769.
26	Little Falls, Minnesota, May 9, 1853.	Wm. Sturgess, with Captain J. H. Simpson.	.....	Road making.—For opening and constructing so much of the road from Point Douglas to Fort Ripley, as is comprehended between the 101st and 105th, and between the 113th and 115th mile stations, as established by the general government survey of said road, to be completed by the 31st day of July, 1853, for the sum of \$1,594.
27	St. Paul, Minnesota, May 9, 1853.	John Rollins, with Captain J. H. Simpson.	.....	Road making.—For opening and constructing so much of the road from Point Douglas to St. Louis river, of Lake Superior, as is comprehended between the 56th and 68th mile stations, as established by the United States survey of said road, to be completed by the 31st day of August, 1853, for the sum of \$7,370.
28	Charlotte, New York, May 26, 1853.	O. C. Sheldon, with Jason Baker, agent.	.....	Timber.—For furnishing and delivering at Charlotte Harbor, at the mouth of Genesee river, New York, at such times and in such quantities as may be required by the agent in charge of the harbor improvement at that place, 600 sticks timber 20 feet long, 12 inches square, and 400 sticks timber 30 feet long, 12 inches square, at 75 cents per cubic foot.
29	Alleghany City, Pennsylvania, May 30, 1853.	D. Nease & Co., with Chas. A. Fuller, agent.	.....	Scows.—For furnishing the necessary materials and constructing for the United States four mud scows, to be delivered at Pittsburgh, Pennsylvania, on or before the 10th day of July, 1853, for the sum of \$450.

30	Knorrville, Tennessee, May 31, 1853.	Samuel Pickens, with Col. McClellan.	.....	<p>Timber.—For furnishing and delivering the following quantities of timber, at the several points designated, on the Tennessee river, at the prices named:</p> <p>At Knorrville shoals, 2,380 feet stringers, at 11 cents per foot; 168 ties, 8 and 9 feet long, 30 cents each.</p> <p>At Lyons' shoals, 2,580 feet stringers, at 12½ cents per foot; 186 ties, 8 and 9 feet long, at 33 cents each.</p> <p>At Williams' shoals, 6,370 feet stringers, at 12½ cents per foot; 460 ties, 8 and 9 feet long, at 33 cents each.</p> <p>At Little river shoals, 5,110 feet stringers, at 13 cents per foot; 365 ties, at 37½ cents each. The whole to be delivered by the 10th day of August, 1853.</p> <p>Iron.—For furnishing and delivering at Charlotte Harbor, at the mouth of Genesee river, the iron required in the repair and reconstruction of the piers at that place; to be delivered at such times and in such quantities as may be required by the agent superintending the work, at 5 cents per pound.</p> <p>Road making.—For opening and constructing so much of the road from Wabashaw to Mendota, as lies between Reed's landing and stake 407, at the top of the ravine, back of Roscoes, \$2,484.</p> <p>For furnishing the necessary materials and erecting a bridge across the slough at Wabashaw, the sum of \$1,500.</p> <p>For furnishing the necessary materials and erecting a bridge across Smith's creek, between Wabashaw and Reed's landing, the sum of \$100; and to do the earth work of the approaches to said bridges at 15 cents per cubic yard. The whole to be completed by the 1st day of November, 1853.</p> <p>Stone.—For furnishing and delivering at Charlotte Harbor, at the mouth of Genesee river, at such times and in such quantities as may be required by the agent of the United States, 500 cords of stone, for the sum of \$900.</p> <p>Stone.—For furnishing and delivering at the harbor of Monroe, Michigan, within forty days from the date of this contract, 300 cords of stone, for the sum of \$1,950.</p> <p>Timber.—For furnishing and delivering at the harbor of Monroe, Michigan, 20,000 feet of good sound white oak timber, to work full 12 inches square, in pieces from 20 to 40 feet long, to be delivered within forty days from the date of this contract, for the sum of \$2,400.</p>
31	Rochester, New York, June 3, 1853.	D. R. Barton, with Jason Baker, agent.	.....	
32	St. Paul, Minnesota, June 15, 1853.	F. S. Richards, with Captain J. H. Simpson.	.....	
33	Lima, New York, June 23, 1853.	O. C. Sheldon, with Jason Baker, agent.	.....	
34	Monroe, Michigan, July 4, 1853.	Jefferson G. Thurber, with Lewis Darrab, agent.	.....	
35	Monroe, Michigan, July 4, 1853.	W. W. Clark, with Lewis Darrab, agent.	.....	

## STATEMENT—Continued.

No.	Place and date.	Parties.	Sureties.	Article or thing contracted for.
36	St. Paul, Minnesota, July 6, 1853.	James W. Tuck, with Captain J. H. Simpson.	.....	Bridging.—For furnishing the necessary materials and building a bridge across Rice creek, at the head of Mill Pond, on the Point Douglas and Fort Ripley road, the sum of \$1,200; for opening and clearing on said road \$270; for doing the earth work of the approaches of the bridge, 24 cents per cubic yard. The whole to be done by the 15th day of November, 1853.
37	Knoxville, Tennessee, Aug. 13, 1853.	John Russell, with Lieut. Colonel J. McClellan.	.....	Timber.—For furnishing and delivering the following quantities of timber at the several points designated on the Tennessee river, at the following prices: At Chota shoals— 1,640 feet stringers, 35 feet long, at 7 cents per foot .... \$114 80 132 round ties, at 9 cents each..... 22 44 137 24 At Booth's shoal— 1,650 feet stringers, 35 feet long, at 7½ cents per foot. \$119 62 140 round ties, at 19 cents each..... 26 60 146 22 At Caney creek shoals— 9,240 feet stringers, at 8 cents per foot..... \$739 20 830 round ties, at 25 cents each..... 207 50 946 70 At Winton's shoals— 5,670 feet stringers, at 7 cents per foot..... \$396 90 486 round ties, at 25 cents each..... 121 50

38	St. Paul, Minnesota, Aug. 15, 1853.	J. W. Bond, with Captain J. H. Simpson.	.....	At Ross' second shoals— 5,320 feet stringers, at 9 cents per foot..... \$478 80 486 round ties, at 27 cents each..... 130 22 <u>609 02</u>
39	Knoxville, Tennessee, September 16, 1853.	S. Calloway, with Lieut. Col. J. McClellan.	.....	The whole to be delivered on or before the 30th day of September 1853.
40	Stillwater, Minnesota, September 19, 1853.	A. D. Heaton, with Captain J. H. Simpson.	.....	Road making.—For opening and grubbing that portion of the road from Wabashaw to Mendota, lying between stake No. 2 and stake No. 17, and between stake No. 20 and stake No. 24, the sum of \$69; for earth work, or gravel excavation, 29 cents per cubic yard; and for rock excavation, 79 cents per cubic yard. The whole to be completed on or before the 30th day of September, 1853.
41	Dubuque, Iowa, September 24, 1853.	Andrew Consodine, with Joshua Barney, agent	.....	Dam.—For building a dam at the head of Ross' Island, in the Tennessee river, to be completed by the 30th of November, 1853, for the sum of \$1,500.
42	Stillwater, Minnesota, Oct. 4, 1853.	John D. Ludden, with Captain J. H. Simpson.	.....	Road making.—For opening and constructing so much of the Point Douglas and St. Louis River road as is comprehended between the twenty-first mile station, as the same has been established by the general government survey of said road; to be completed on or before the 1st day of November, 1853, for the sum of \$1,900.
43	St. Paul, Minnesota, Oct. 19, 1853.	S. B. Olmstead, with Captain J. H. Simpson.	.....	Excavation.—For excavating and removing all the earth, amounting to about 10,000 cubic yards from the contemplated cut through the outer slough, opposite the harbor of Dubuque; the work to be completed by the 1st day of December, 1853, at the rate of 9 6-10 cents per cubic yard. Bridging.—For furnishing the necessary materials, and constructing a bridge across Sunrise river, on the Point Douglas and St. Louis River Road; the work to be completed by the 12th of November, 1853, for the sum of \$697. Road making.—For opening and clearing the road from the mouth of Swan river to the Winnebago agency, at Long Prairie; the whole work to be completed by the 5th of November next, and to be paid for as follows: For opening, clearing and grubbing, \$1 75 per rod, lineal; and for the brushing and throwing up, at the rate of \$1 50 per rod, lineal; and for the culverts, \$15 each.



## STATEMENT—Continued.

No.	Place and date.	Parties.	Sureties.	Article or thing contracted for.
44	Nashville, Tennessee, Oct. 24, 1853.	John Russell, with Lieut. Colonel J. McClellan.	.....	<p>Timber.—For furnishing and delivering the following quantities of timber at the several points designated on the Tennessee river, at the following prices :</p> <p>At Chota Island—</p> <p>2,116 feet stringers, 30 feet long, each 12 inches diameter at the small end, at 7 cents per running foot, \$148 12.</p> <p>168 round ties, at 20 cents each, \$33 60.</p> <p>Above and near Chota's lower shoals—</p> <p>4,200 feet stringers, 30 feet long each, 12 inches diameter at the small end, at 7 cents per running foot, \$294.</p> <p>350 round ties, at 20 cents each, \$70. The whole to be delivered on or before the 1st of day of April, 1854.</p>

J. J. ABERT, Colonel Corps of Topographical Engineers.

BUREAU OF TOPOGRAPHICAL ENGINEERS, February 14, 1854.

*Statement of contracts made in the Subsistence Department during the year 1853.*

Posts.	Contractors.	By whom made.	For—	Date.	Commencing—	Terminating—	Amount.
Barrancas Barracks, Fla.	P. Seawell & Co.	Com. Gen'l of Subsistence.	Subsistence.	Dec. 12, 1853	June 1, 1854	Mar. 1, 1855	\$2,200 25
Key West, Fla.	do.	do.	do.	do.	do.	do.	1,592 75
Fort McHenry, Md.	J. B. Pierson.	do.	do.	Nov. 16, 1853	do.	do.	1,356 00
Fort Moultrie, S. C.	do.	do.	do.	do.	do.	do.	2,657 68
Fort Hamilton, N. Y.	do.	do.	do.	do.	do.	do.	1,228 88
Fort Mackinac, Mich.	J. S. Buell.	do.	do.	Nov. 17, 1853	do.	do.	1,652 50
Fort Ridgely, Min. Ter.	J. S. Converse.	do.	do.	Nov. 14, 1853	May 15, 1854	Sept. 15, 1854	10,753 50
New York city.	W. F. Vail.	Bt. Capt. A. P. Howe.	Rations to recruits.	Jan. 1, 1853	Jan. 1, 1853	June 15, 1854	.....
Richmond, Va.	C. Krauss.	Bt. Maj. S. S. Anderson.	do.	Jan. 17, 1853	Jan. 17, 1853	Dec. 31, 1853	.....
Champlain Arsenal, Vt.	F. E. Woodbridge.	W. A. Newman.	do.	Mar. 31, 1853	April 1, 1853	Optional.	.....
Chicago, Ill.	J. H. Gray.	Lieut. P. T. Turnley.	do.	Apr. 22, 1853	May 1, 1853	Mar. 31, 1854	.....
Philadelphia, Pa.	T. R. Patton.	Capt. S. Burbank.	do.	May 3, 1853	June 9, 1853	May 1, 1854	.....
Boston, Mass.	M. P. Johnson.	Lieut. P. T. Wyman.	do.	July 21, 1853	July 21, 1853	June 9, 1854	.....
Texas and Fort Union, N. M.	C. St. Vrain.	Capt. J. Bowen.	Flour.	May 1, 1853	May 1, 1853	Optional.	.....
Peralta Mills and Albuquerque, N. M.	Antonio Jose Oteso.	do.	do.	Mar. 1, 1853	Mar. 1, 1853	Aug. 1, 1854	.....
Santa Fe, N. M.	Jos. Hersh.	do.	do.	do.	do.	do.	.....
San Elizario and Santa Barbara, N. M.	Simeon Hart.	do.	do.	do.	do.	Mar. 1, 1854	.....
Fort Graham, Texas.	Alexander Young.	Lieut. C. A. Tyler.	do.	July 20, 1853	July 20, 1853	July 20, 1854	.....
Fort Arbuckle.	J. Bourland.	Lieut. R. R. Garland.	Corn.	Nov. 1, 1853	Nov. 1, 1853	Mar. 30, 1853	.....
Fort Towson, Ark.	B. L. Leflore.	Lieut. S. B. Hayman.	do.	Jan. 4, 1853	Jan. 4, 1853	May 31, 1853	.....
Do.	S. Folsom.	do.	Hay	July 1, 1853	July 1, 1853	Sept. 30, 1853	.....
Fort Riley.	C. A. Perry.	Lieut. A. Sargent.	do.	Aug. 1, 1853	Aug. 1, 1853	Oct. 15, 1853	.....
Fort Worth, Texas.	W. Coombs.	Bt. Maj. H. W. Merrill.	Flour.	do.	do.	July 31, 1854	.....
Buffalo, N. Y.	P. Phelps.	Capt. C. L. Stevenson.	Rations to recruits.	Sept. 24, 1853	Oct. 1, 1853	Sept. 30, 1854	.....
Fort Mifflin, Pa.	J. K. Graham.	Lieut. J. Mendenhall.	Fresh beef.	Jan. 1, 1853	Jan. 1, 1853	Dec. 31, 1853	.....
Fort Hamilton, N. Y.	B. W. Valentine.	Bt. Capt. G. A. De Rusy.	do.	Jan. 6, 1853	Jan. 15, 1853	Jan. 15, 1854	.....
Fort Trumbull, Conn.	Tinker & Beckwith.	Lieut. E. G. Beckwith.	do.	Jan. 14, 1853	Jan. 14, 1853	Jan. 14, 1854	.....
Albany, N. Y.	J. A. Putnam.	Lieut. W. K. Van Bokkelen.	do.	Jan. 20, 1853	Feb. 1, 1853	Jan. 31, 1854	.....
Fort Sullivan, Me.	C. & S. Stevens.	Lieut. J. Kellogg.	do.	Feb. 1, 1853	do.	Jan. 15, 1854	.....
Fort Duncan, Texas.	J. H. Taylor.	Lieut. T. A. Washington.	do.	Feb. 1, 1853	do.	June 4, 1853	.....
Fort Merrill, Texas.	W. Gambel.	Lieut. A. McRae.	do.	Feb. 26, 1853	Feb. 26, 1853	April 26, 1853	.....
Fort Jones, Cal.	D. M. & W. Davidson.	Lieut. C. H. Ogle.	do.	do.	do.	do.	.....

## STATEMENT—Continued.

Posts.	Contractors.	By whom made.	For—	Date.	Commencing—	Terminating—	Amount.
St. Louis Arsenal, Mo.....	W. Hoffmeister.....	Lieut. J. McAlister.....	Fresh beef.....	Mar. 1, 1853	Mar. 1, 1853	Feb. 28, 1854	.....
Fort Wood, N. Y.....	B. W. Valentine.....	Lieut. J. S. Garland.....	do.....	Mar. 21, 1853	April 1, 1853	Mar. 31, 1854	.....
Fort McIntosh, Texas.....	W. F. Alexander.....	Lieut. A. G. Miller.....	do.....	Mar. 22, 1853	do.....	do.....	.....
Mission San Diego, Cal.....	F. Kerren.....	Lieut. F. E. Patterson.....	do.....	April 1, 1853	do.....	do.....	.....
Fort Columbus, N. Y.....	B. W. Valentine.....	Bt. Capt. M. Lovell.....	do.....	do.....	do.....	do.....	.....
Fort Gibson, Ark.....	W. D. Shaw.....	Lieut. H. M. Black.....	do.....	April 25, 1853	May 1, 1853	April 30, 1854	.....
Fort Independence, Mass.....	J. B. Severance.....	Lieut. J. Van Voast.....	do.....	May 11, 1853	May 11, 1853	May 10, 1854	.....
Fort Kearny, O. R.....	J. W. Drew.....	Bt. Capt. O. H. P. Taylor.....	do.....	May 11, 1853	July 1, 1853	July 1, 1853	.....
Fort Union, N. M.....	J. C. Irvin.....	Bt. Maj. G. G. Waggaman.....	do.....	May 18, 1853	Sept. 1, 1853	Sept. 1, 1853	.....
Carlisle Barracks, Pa.....	John Noble.....	Lieut. W. B. Lane.....	do.....	June 18, 1853	July 1, 1853	June 30, 1854	.....
Fort Yuma, Cal.....	L. Rose.....	Lieut. A. R. Eddy.....	do.....	Feb. 1, 1853	Feb. 10, 1853	Feb. 9, 1854	.....
Fort Graham, Texas.....	W. F. Tolmie.....	Lieut. W. A. Slaughter.....	do.....	May 10, 1853	May 10, 1853	Oct. 10, 1853	.....
Benicia Barracks, Cal.....	James Haley.....	Lieut. C. H. Tyler.....	do.....	do.....	do.....	Nov. 10, 1853	.....
Fort Brown, Texas.....	B. Holladay.....	Lieut. G. H. Paige.....	do.....	June 1, 1853	June 1, 1853	May 31, 1853	.....
Fort Brown, Texas.....	N. Chano.....	Lieut. E. Hayes.....	do.....	June 21, 1853	July 1, 1853	Dec. 31, 1853	.....
Camp Centre, Ind. Ter.....	R. Wilson.....	Lieut. A. Sargent.....	do.....	June 30, 1853	Aug. 1, 1853	Aug. 1, 1853	.....
Fort Snelling.....	F. Steele.....	Lieut. W. T. Magruder.....	do.....	do.....	July 1, 1853	June 30, 1854	.....
New York City.....	W. Beattie.....	Bt. Lt. Col. S. Casey.....	do.....	July 1, 1853	do.....	do.....	.....
Fort Arbuckle, C. N.....	J. H. Strain.....	Lieut. M. R. Stevenson.....	do.....	Aug. 1, 1853	Aug. 1, 1853	July 31, 1854	.....
Cumberland, Md.....	D. O'Neale.....	Capt. E. Murray.....	do.....	April 1, 1853	do.....	Optional.	.....
Pottsville, Pa.....	C. Bochen.....	Lieut. J. W. Robinson.....	do.....	Aug. 1, 1853	do.....	July 31, 1854	.....
Boston, Mass.....	Burgess & Talbot.....	Lieut. J. Trevitt.....	do.....	Aug. 3, 1853	do.....	do.....	.....
Fort Dodge, Iowa.....	Carrel & Carrel.....	Lieut. J. L. Corley.....	do.....	Aug. 20, 1853	Sept. 20, 1853	Sept. 20, 1853	.....
Baltimore, Md.....	H. Wade.....	Bt. Maj. J. Van Horne.....	do.....	Sept. 1, 1853	Sept. 1, 1853	Aug. 31, 1854	.....
Montevideo, S. A.....	Usher & Cohelo.....	Lieut. B. D. Forsythe.....	do.....	Feb. 7, 1853	Feb. 7, 1853	Feb. 7, 1853	.....
Fort Worth, Texas.....	S. Eliot.....	Bt. Maj. H. W. Merrill.....	do.....	June 1, 1853	June 15, 1853	June 15, 1854	.....

GEO. GIBSON, Commissary General of Subsistence.

OFFICE OF COMMISSARY GENERAL OF SUBSISTENCE, Washington, January 5, 1854.

*List of contracts on account of the medical and hospital department of the army, for the year 1853.*

Date of contract.	Names of the contractors.	The article or thing contracted for.	The place where delivered or performed.	Amount of compensation.	Remarks.
1841.					
April 1	Horatio Adams.....	Medical attendance and medicine.	Watertown arsenal, Mass.....	\$30 00 per month.	.....
1840.					
March 11	Cyrus Briggs.....	.....do.....	Kennebec arsenal, Maine.....	20 00.....do.....	.....
April 1	Augustus Vile.....	.....do.....	Watervliet arsenal, N. Y.....	30 00.....do.....	.....
1845.					
Nov. 1	P. P. Burton.....	.....do.....	Little Rock arsenal, Ark.....	25 00.....do.....	.....
1847.					
April 1	Samuel Boardman.....	.....do.....	Apalachicola arsenal, Florida.....	25 00.....do.....	.....
Oct. 26	J. F. G. Hamill.....	Medical attendance.....	Tampico, Mexico.....	50 00.....do.....	Discharged Nov. 25, 1847.
Nov. 10	Wm. F. Barr.....	Medical attendance and medicine.	5th Tenn. vols., Knoxville, Tenn.....	100 00 & 25 pr. ct.	Discharged Mar. 19, 1848.
Nov. 17	Isaac S. Gaines.....	.....do.....	.....do.....	100 00.....do.....	Discharged May 11, 1848.
Nov. 17	Laurence Byrne.....	.....do.....	Pikesville arsenal, Md.....	20 00 per month.	.....
1848.					
Dec. 14	Tho. G. Catlin.....	Medical attendance.....	Fort Niagara, N. Y.....	30 00.....do.....	.....
1849.					
Jan. 24	N. W. Oliver.....	Medical attendance and medicine.	Fort Constitution, N. H.....	30 00.....do.....	Discharged Oct. 8, 1853.
July 6	L. B. Mayberry.....	.....do.....	Fort Sullivan, Maine.....	30 00.....do.....	Discharged Oct. 4, 1853.
July 23	Edward Worrell.....	.....do.....	Fort Delaware, Del.....	10 00.....do.....	Discharged Aug. 31, 1853.
Aug. 15	John Carter.....	.....do.....	Augusta arsenal, Ga.....	20 00.....do.....	.....
Dec. 3	N. G. Coffee.....	Medical attendance.....	Camp on Live Oak river, Texas.....	81 50.....do.....	Discharged Dec. 27, 1849.
1850.					
Feb. 7	W. L. Booth.....	.....do.....	San Diego, Cal.....	200 00.....do.....	Discharged July 8, 1850.
Aug. 1	W. Spottawood.....	.....do.....	Harbor of Pensacola, Florida.....	65 00.....do.....	Discharged Dec. 8, 1850.
Sept. 1	J. T. Overstreet.....	.....do.....	Rancho del Chino, Cal.....	200 00.....do.....	Discharged Jan. 5, 1851.
Sept. 27	W. G. Lewis.....	.....do.....	Battalion en route to Texas.....	100 00.....do.....	Discharged Oct. 26, 1850.
Nov. 14	A. Brinard.....	Medical attendance and medicine.	Detroit arsenal, Mich.....	20 00.....do.....	.....
Nov. 24	A. B. Campbell.....	Medical attendance.....	Fort Mifflin, Pa.....	40 00.....do.....	Discharged Nov. 30, 1853.
1851.					
Feb. 5	G. A. Sturges.....	.....do.....	Rancho del Chino, Cal.....	130 00.....do.....	Discharged May 26, 1851.
May 7	D. P. Gray.....	.....do.....	Camp San Antonio, Texas.....	81 50.....do.....	Discharged July 21, 1851.
May 8	R. B. Simpson.....	.....do.....	Allegheny arsenal, Pa.....	20 00.....do.....	.....
June 13	Jas. H. Wilson.....	.....do.....	Recruiting rendezvous, Pittsburg, Pa.....	20 00.....do.....	Discharged Aug. 20, 1852.
June 30	C. P. Ogden.....	.....do.....	Camp Independence, Cal.....	25 00.....do.....	.....

## STATEMENT—Continued.

Date of contract.	Names of the contractors.	The article or thing contracted for.	The place where delivered or performed.	Amount of compensation.	Remarks.
1852.					
March 22	C. Sutherland.....	Medical attendance.....	Jefferson barracks to New Mexico.....	\$81 83 per month.	Discharged Aug. 22, 1852.
April 22	T. C. Henry.....	do.....	do.....	81 50.....do.....	Discharged Mar. 1, 1852.
May 10	Nick. Spring.....	do.....	Fort Smith, Ark.....	40 00.....do.....	do.....
July 1	L. Mullooney.....	do.....	Corpus Christi, Texas.....	20 00.....do.....	Discharged April 6, 1853.
24	J. B. Edelen.....	do.....	Recruits to New Mexico.....	81 83.....do.....	Discharged Nov. 16, 1852.
26	Jno. H. Bayne.....	do.....	Fort Washington, Md.....	30 00.....do.....	Discharged Sept. 8, 1852.
17	R. H. Alexander.....	do.....	Fort Kearny, O. R.....	81 83.....do.....	do.....
Aug. 3	T. R. Potts.....	do.....	Fort Snelling, Min. Ter.....	63 50.....do.....	Discharged April 28, 1853.
Sept. 5	T. E. Massie.....	do.....	Santa Fe, N. M.....	40 00.....do.....	Discharged Nov. 6, 1853.
8	C. C. Parry.....	do.....	Escort boundary survey.....	100 00.....do.....	Discharged Nov. 24, 1853.
15	Isaac G. Porter.....	do.....	Fort Trumbull, Ct.....	30 00.....do.....	Discharged May 17, 1853.
Oct. 24	L. S. Du Val.....	do.....	Fort Clark, Texas.....	81 83.....do.....	Discharged Mar. 10, 1853.
Nov. 1	A. Cockerill.....	do.....	Fort Mason, Texas.....	81 83.....do.....	Discharged Mar. 21, 1853.
19	Tho. Foster.....	do.....	Traverse des Sioux, Min. Ter.....	60 00 for services.	Discharged Dec. 1, 1852.
Dec. 9	Jno. T. Newton.....	do.....	Fort Brady, Mich.....	30 00 per month.	do.....
9	Matt. Gayle.....	do.....	Mount Vernon arsenal, Ala.....	45 00.....do.....	do.....
15	F. Herff.....	do.....	San Antonio, Texas.....	20 00.....do.....	do.....
1853.					
Feb. 1	A. J. Foard.....	do.....	Fort Capron, Florida.....	75 00.....do.....	Discharged May 11, 1853.
4	J. H. Bayne.....	Medical attendance and medicine.	Fort Washington, Md.....	30 00 & 50 pr. ct.	Discharged Oct. 10, 1853.
March 19	Tho. E. Massie.....	Medical attendance.....	Santa Fe, New Mexico.....	40 00 per month.	Discharged Aug. 24, 1853.
28	O. M. Blanchard.....	do.....	Fort Union, New Mexico.....	81 83.....do.....	Discharged Aug. 21, 1853.
April 1	Geo. W. Swemple.....	do.....	Fort Monroe, Va.....	75 00.....do.....	Discharged Sept. 14, 1853.
13	W. W. Sweat.....	do.....	Fort Preble, Me.....	30 00.....do.....	Discharged Oct. 4, 1853.
May 1	Geo. Johnson.....	do.....	Fort Mason, Texas.....	81 53.....do.....	Discharged June 3, 1853.
3	A. K. Smith.....	do.....	New Smyrna, Florida.....	70 00.....do.....	Discharged July 24, 1853.
10	E. P. Vollum.....	do.....	Fort Independence, Mass.....	40 00.....do.....	Discharged Mar. 31, 1853.

Sept.	18	C. H. Bailey	do	Barrancas barracks, Florida	3 00 per day	Discharged Dec. 7, 1853.
Oct.	19	J. W. Brookbank	do	Fort Brooke, Florida	20 00 per month	
Nov.	7	J. L. Dawson	Medical attendance and medicine	Charleston arsenal, S. C.	40 00	
Dec.	6	J. W. Brookbank	Medical attendance	Fort Brooke, Florida	do	
		P. N. Luckett	do	Corpus Christi, Texas	20 00	
Oct.	1	C. B. R. Kennerly	do	Fort Conrad, N. M.	81 83	Discharged Oct. 25, 1853.

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SURGEON GENERAL'S OFFICE, January 3, 1854.

TH. LAWSON, Surgeon General.

*List of contracts received at, and made under, the Engineer Department, during the latter part of the year 1852, and the year 1853.*

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S. Doc. 37.

Names of contractors.	Date of contract.	When to be completed.	For what object and on what terms.
Nelson & Hay.....	Oct. 22, 1852	Dec. 31, 1852	For tearing down and rebuilding the United States' wharves and piers in the harbor of Chester, Pa., for the sum of four thousand three hundred dollars. In consequence of the work having been delayed by unfavorable weather, the time of the completion of the contract was extended to May 1, 1853.
B. Maillefert.....	Nov. 23, 1852	June 1, 1853	For removing the rock, situated at the entrance to New Haven harbor, Connecticut, known as the Middle rock, for the sum of six thousand dollars.
Do.....	Aug. 2, 1853	Nov. 1, 1853	(Supplementary.) For the same purpose.
The Ocean Tow-boat Company and the Star Tow-boat Co.....	Nov. 26, 1852	Aug. 26, 1853	For deepening the bar at the Southwest pass, Mississippi river, to eighteen feet at ordinary low water, with a width of not less than three hundred feet, for the sum of seventy-five thousand dollars.
George E. Hawes.....	Feb. 3, 1853	Aug. 1, 1853	For excavating a canal, to connect the waters of Indian river with Mosquito lagoon, at the "Haulover," Florida, for the sum of four thousand eight hundred dollars.
Samuel N. Payne.....	Mar. 25, 1853	Nov. 1, 1853	For excavating the outer and inner bars of the harbor of Bridgeport, Connecticut, 27,000 cubic yards of sand and gravel, at the rate of 30 cents per cubic yard.
Adam B. Cooley.....	April 1, 1853	June 1, 1853	For the construction of a steam-dredging machine to be used in the waters of the Chesapeake bay and Atlantic coast, for the sum of ten thousand five hundred dollars.
L. Surgé.....	April 18, 1853	Oct. 18, 1853	For constructing a breakwater in Lake Pontchartrain, Louisiana, one thousand feet in length, at \$12.50 per lineal foot; also a fender, at \$1.50 per running foot.
John S. Brown.....	May 9, 1853	June 10, 1853	For the construction of four dumping scows or lighters, and delivery of the same at the port of Baltimore, for the sum of three thousand three hundred and thirty-three dollars.
A. C. Jones.....	May 24, 1853	Sept. 24, 1853	For building a steam-dredging boat, and putting the same to work on Dog River bar, in the bay of Mobile, for the sum of nineteen thousand dollars.
Leonard Andrews & Ira Andrews..	May 25, 1853	Sept. 30, 1853	For continuing and repairing the existing stone pier at Kennebunk, Maine, for the sum of \$4.50 for each and every cubic yard of stone laid and measured in the wall.
Wm. J. Leiper & Thos. Clyde..	June 6, 1853	Sept. 30, 1853	For furnishing stone for Delaware breakwater, at \$3.25 per ton for all stone over 3 tons weight; over 3 and less than 3 tons, \$2.91; over 1 and less than 2 tons, \$1.70 per ton; the whole amount of deliveries not to exceed in the aggregate the sum of \$30,000.
Leitch Haines..	June 12, 1853	Sept. 30, 1853	

John C. Haskell.....	June 30, 1853	Nov. 30, 1853	For dredging the Savannah river by dredging 85,000 cubic yards (more or less) of sand, mud, &c., at 32½ cents per cubic yard.
R. H. Watts.....	July 17, 1853	Sept. 20, 1853	For dredging and removing 17,000 cubic yards of earth from the shoal known as the "Crock," near the mouth of the Seekonk river, in the harbor of Providence, R. I., at the rate of 24½ cents per cubic yard.
Samuel N. Payne.....	July 25, 1853	Jan. 1, 1854	For the delivery, at Mobile, of four dumping scows, at one thousand seven hundred dollars for each scow.
Barker, Wright & Co.....	Aug 1, 1853	Nov. 16, 1853	For dredging a channel across the bar at the junction of the Hackensack and Passaic rivers, in Newark bay, N. J., at the rate of 24½ cents for each cubic yard of matter excavated.
William N. Hamilton.....	Aug. 8, 1853	.....	For the delivery of 3,000 tons of rough granite stones, at Bald Head, North Carolina, for the sum of \$2 85 per ton.
Thos. Porter & Fay Brigham.....	Oct. 26, 1853	Dec. 2, 1853	For medical attendance on laborers, at Fort Delaware: When the aggregate number of laborers are above 50, the pay and emoluments of an assistant surgeon U. S. A. of less than five years standing; when below fifty, \$50 per month.
William H. Roban.....	Oct. 22, 1853	Jan. 31, 1854	For constructing and placing in the dike, at Fort Mifflin, a substantial sluice, for the sum of two hundred and seventy-five dollars.
A. C. Jones.....	Sept. 15, 1853	294 consecutive days from the commencement of operations.	For building a pier 91 feet long and 45 feet wide, for the protection of the harbor of New Castle from flood-tide ice, for the sum of \$10,000; together with \$300 a foot for every foot in height of said pier he shall have constructed over 16 feet; and \$3.00 a foot shall be deducted from the \$10,000 for every foot less than 16 that shall not have been constructed. If said work is not finished, according to the terms of this agreement, by the 31st day of January, 1854, then the said William H. Roban shall only receive for said work \$9,370, together with \$300 a foot for every foot in height of said pier he shall have constructed over 16 feet; and \$3.00 a foot shall be deducted from the \$9,370 for every foot less than 16 that shall not have been constructed.

JOS. G. TOTTEN,  
*Brevet Brigadier General and Colonel of Engineers.*

ENGINEER DEPARTMENT, Washington, December 31, 1853.





Oct. 22	.....do.....	225 waist belts.....	24½.....do.....	.....do.....
March 22	W. Glaze & Co.....	999 waist belts, black.....	25.....do.....	.....do.....
		666 gunslings.....	15½.....do.....	.....do.....
		500 bayonet scabbards.....	55.....do.....	.....do.....
May 18	Knapp & Wade.....	333 rifle belts.....	42½.....do.....	.....do.....
Dec. 12	.....do.....	250 cavalry sabre belts.....	1 35.....do.....	.....do.....
		145 cavalry sabre belt plates.....	10.....do.....	.....do.....
		200 artillery sword belts.....	1 13.....do.....	.....do.....
		100 non-commissioned officers sword belts.....	62.....do.....	.....do.....
		224.....do.....do.....sword belt plates.....	6.....do.....	.....do.....
		333 sets infantry accoutrements.....	3 29.....per set.....	.....do.....
		1,100 horse artillery sabres.....	5 50.....each.....	Columbia, S. C.....
		750 non-commissioned officers' swords.....	5 50.....do.....	.....do.....
		9 10-inch Columbiads.....	6½ per pound.....	Pittsburg, Pa.....
		20.....do.....	6½.....do.....	.....do.....
		1,600 10-inch shells.....	4½.....do.....	.....do.....
		470 10-inch shot.....	3½.....do.....	.....do.....
Jan. 4	H. Nixon.....	100 sets timber for 10-inch Columbiad barbette carriages.....	30 00 per 1,000 feet.....	.....do.....
Dec. 24	R. F. Parrott.....	12 10-inch Columbiads.....	6½ per pound.....	New York.....
		15 8-inch.....do.....	6½.....do.....	.....do.....
		96½ 10-inch shells.....	4½.....do.....	.....do.....
		240 10-inch shot.....	3½.....do.....	.....do.....
		1,200 8-inch shells.....	4½.....do.....	.....do.....
		300 8-inch shot.....	3½.....do.....	.....do.....
		100 sets of timber for 10-inch Columbiad barbette carriages.....	75 00.....per set.....	Watertown arsenal.....
Jan. 12	Peck & Hammond.....	916 infantry cartridge boxes.....	1 14½.....each.....	New York.....
April 16	J. J. Pittman.....	1,000 cartridge box plates.....	8.....do.....	.....do.....
		666.....do.....bells.....	69.....do.....	.....do.....
		909 waist belts, buff.....	24½.....do.....	.....do.....
		758.....do.....black.....	25.....do.....	.....do.....
		80½.....do.....plates.....	8.....do.....	.....do.....
		64½ cadet bayonet scabbards.....	55.....do.....	.....do.....
		188 bayonet scabbards, buff.....	55½.....do.....	.....do.....
		840 bayonet scabbard plates.....	7.....do.....	.....do.....
		666 gunslings.....	15½.....do.....	.....do.....
		333 rifle belts.....	42½.....do.....	.....do.....
		800 carbine cartridge box plates.....	7.....do.....	.....do.....
		25½ cavalry belts.....	1 35.....do.....	.....do.....
		145 cavalry belt plates.....	10.....do.....	.....do.....
		300.....do.....	12.....do.....	.....do.....
		163 cavalry sabre belts.....	1 30.....do.....	.....do.....

## STATEMENT—Continued.

Date.	Contractors' names.	Articles contracted for or purchased.	Price.	Place of delivery.
1853. April 16	J. J. Pittman—Cont'd.	270 artillery belts and plates.....	\$1 13.....each.....	New York.....
		24 non-commissioned officers' belts.....	55½.....do.....	do.....
		224.....do.....plates.....	6.....do.....	do.....
		100.....do.....do.....and plates.....	62.....do.....	do.....
Oct. 22	.....do.....	333 sets in 'entry accoutrements.....	3 29.....per set.....	do.....
		51 cadets' bayonet scabbards.....	55.....each.....	do.....
March 2	Eli Whitney.....	5,030 percussion rifles, with appendages.....	11 62½.....do.....	New Haven.....

II. K. CRAIG, Colonel Ordnance.

ORDNANCE OFFICE, January 5, 1854.

*... "S", fuel, transportation, &c., during the year 1853.*

No.	Place and date.	Parties.	Subject-matter of contract.	Sureties.
1	Benicia, Cal., Dec. 18, 1851...	Bvt. Major R. Allen, A. Q. M., with Wilcox, Harlshorne & Joinston.	Transportation of stores: To transport from San Francisco and Benicia, on the United States transport schooner Sierra Nevada, to the post at the junction of the Colorado and Gila rivers, 250 tons of freight, for the sum of \$25 per ton of 2,000 pounds. The schooner to be returned. Bond \$10,000.	N. H. Wyse.
2	Benicia, Cal., May 5, 1853.....	Bvt. Major R. Allen, A. Q. M., with W. H. Moore.	Transportation of stores: To transport on the steamer Joaquin, from Benicia to Tehama, California 150 tons, more or less, of government stores, and a detachment of troops, for the sum of \$55 per ton, and \$10 each for the troops.	
3	New York, January 3, 1853.....	Lieut. Col. T. Swords, quartermaster, with W. J. Hoadless.	Transportation of stores: To transport on the ship Wings of the Morning, from New York to San Francisco, 50 barrels of pork, for the sum of 80 cents per foot.	
4	Fort Ontario, N. Y., Nov. 24, 1852.	Lieut. O. A. Mack, A. A. Q. M., with L. L. Kenyon.	Wood: To deliver at Fort Ontario, N. Y., from December 1, 1852, to December 1, 1853, 350 cords of wood, in such quantities as may be required, for the sum of \$3 20 per cord. Bond \$500.	O. G. Munger and A. Pettibone.
5	Baltimore, Md., Jan. 12, 1853...	Major J. L. Donaldson, A. Q. M., with J. W. Brown & Son.	Transportation of stores: To transport on schooners Pacific and Blooming Youth, from Baltimore to Indianola, Texas, 1,800 barrels subsistence stores, for the sum of \$1 25 per barrel.	
6	Charleston, S. C., May 20, 1852.	Lieut. J. H. Carlele, A. A. Q. M., with H. Misroom.	Transportation of troops: To transport on the steamer Union, from Charleston to New York, 5 officers and 90 men, United States artillery, for the sum of \$900.	
7	Madison barracks, N. Y., June, 1852.	Capt. U. S. Grant, R. Q. M., with S. T. Hooker.	Transportation of troops: To transport on steamboat and railroad, from Madison barracks, Forts Ontario and Niagara, to Fort Columbus, N. Y., 178 officers and men, for the sum of \$10 each for the officers, and \$8 50 each for the men.	
8	Tampa, Fla., Nov. 15, 1852.....	Lieut. J. H. Dickerson, A. A. Q. M., with J. Kemp.	Charter party: To run the sloop Grzells from Tampa to each port as may be designated, from the 15th November, 1852, for the sum of \$175 per month.	

## LIST OF CONTRACTS—Continued.

No	Place or date.	Parties.	Subject-matter of contract.	Sureties.
9	Fort Inge, Texas, December 16, 1852.	Lieut. Col. D. D. Tompkins, D. Q. M. G., with David Murphree.	Lease: To lease to the United States the site and half league and labor of land on which Fort Inge is located, for 5 years, with the privilege of timber, for the sum of \$50 per month.	
10	New Orleans, Louisiana, January 7, 1853.	Lieut. Col. A. C. Myers, A. Q. M., with T. G. Wright.	Transportation of stores: To transport from Wright's Landing, on Red river, to Preston, Texas, 256,651 pounds public property, in bales and boxes, for the sum of \$2 per 100 pounds.	
11	Sault Ste. Marie, June 10, 1852.	Lieut. J. Withers, A. A. Q. M., with B. G. Sweet.	Transportation of troops: To transport on the steamer Northerner, from Sault Ste. Marie to Detroit, 3 officers, 23 men, and 4 women, for the sum of \$6 each for the officers, and \$4 each for men, &c.	
12	Newport, Kentucky, October 1, 1852.	Lieut. A. Crozet, A. A. Q. M., with Robert Air.	Lease of ferry: To lease to the United States, for the use of the troops at Newport barracks, the privilege of the Newport ferry for one year, for the sum of \$250.	
13	Columbia barracks, Oregon Territory, September 20, 1852.	Capt. T. L. Brent, A. A. Q. M., with Allen, McKinley & Co.	Transportation of troops: To transport by railroad and steamboat, from Columbia barracks to the Dalles of Columbia, Oregon Territory, one company 4th infantry, for the sum of \$6 for each person transported.	
14	New York, February 25, 1853.	Lieut. Col. T. Swords, quartermaster, with Sturges, Clearman & Co.	Charter party: To charter to the United States the ship Irene, for a voyage from New York to Matagorda Bay, Texas, to sail on the 2d March, with 418 men, &c., for Indians, for the sum of \$—.	P. A. Senechal and J. J. Webb.
15	Fort Union, New Mexico, November 18, 1852.	Major E. S. Sibley, A. Q. M., with Moore & Rees.	Corn: To deliver by March 1, 1853, at Tucolote, New Mexico, 1,750 fanegas of corn, for the sum of \$3 85 per fanega of 140 pounds each. Bond \$6,000.	
16	Fort Union, New Mexico, November 27, 1852.	Major E. S. Sibley, A. Q. M., with J. & C. W. Kitchen.	Corn: To deliver by March 1, 1853, at Las Vegas, 1,000 fanegas of corn, for the sum of \$3 85 per fanega of 140 pounds each. Bond \$6,000.	W. H. Moore and J. J. Sease. P. A. Senechal and H.

October 15, 1852.	WILLIAM L. W. ALLEN, JR.	
19	New Orleans, Louisiana, December 10, 1852.	<p>Lieut. Col. A. C. Myers, A. Q. M., with J. H. Ure.</p> <p>Transportation of troops: To transport on the steamer Gipsy, from New Orleans barracks to Baton Rouge, 2 officers and 47 men, &amp;c., for the sum of \$4 each for the officers, and \$2 50 each for the men, &amp;c.</p> <p>Lease: To lease to the United States the lots of store No. 1, William street, New York, for one year from May 1, 1853, for the sum of \$1,300.</p> <p>Transportation of troops: To transport the captain and 12 men from the wreck of the transport Onella to San Francisco, via Oregon, for the sum of \$100 for the captain, and \$65 each for the men.</p> <p>Transportation of troops: To transport on the steamer Clara, from St. Louis to Fort Leavenworth, 1 officer and 29 men, for the sum of \$10 for the officer, and \$4 each for the men.</p> <p>Transportation of stores: To transport on the brig Virginia, from Baltimore, Maryland, to Indianola, Texas, 1,072 barrels subsistence stores, for the sum of \$1 25 per barrel.</p> <p>Transportation of stores: To transport on the schooner Pacific, from Baltimore, Maryland, to Indianola, Texas, 1,050 barrels subsistence stores, for the sum of \$1 20 per barrel.</p> <p>Rent: Renting to the United States dwelling-house No. 114, Eleventh street, between Fifth and Sixth avenues, New York, for one year from May 1, 1853, for the sum of \$850.</p> <p>Corn: To deliver at Fort Belknap, by the 15th April, 1853, 1,500 bushels of corn, for the sum of \$1 40 per bushel. Bond \$1,050.</p> <p>Transportation of troops: To transport on the steamer Federal Arch, from Cincinnati to Jefferson barracks, 1 officer and 27 men, for the sum of \$8 for the officer, and \$3 each for the men.</p> <p>Transportation of troops: To transport on the steamer J. Q. Adams, from Cincinnati to Jefferson barracks, one officer and 21 men, for the sum of \$10 for the officer, and \$3 for the men each.</p>
20	New York, March 24, 1853.....	<p>Lieut. Col. T. Swords, quartermaster, with Fred'k Hoose.</p>
21	Fort Orford, Oregon Territory, November 7, 1852.	<p>Lieut. P. S. Wymun, A. A. Q. M., with W. L. Dull.</p>
22	St. Louis, Missouri, March 28, 1853.	<p>Major D. H. Vinton, quartermaster, with J. Chrever.</p>
23	Baltimore, Maryland, April 1, 1853.	<p>Maj. J. L. Donaldson, A. Q. M., with J. M. Bundell.</p>
24	Baltimore, Maryland, April 6, 1853.	<p>Major J. L. Donaldson, A. Q. M., with J. W. Brown &amp; Son.</p>
25	New York, April 6, 1853.....	<p>Lieut. Col. T. Swords, quartermaster, with J. N. Gifford.</p>
26	Fort Belknap, February 2, 1853.	<p>Lieut. E. F. Abbott, A. A. Q. M., with J. Hughes.</p>
27	Newport, Kentucky, September 28, 1852.	<p>Lieut. A. Crozet, A. A. Q. M., with G. W. Bowman.</p>
28	Newport, Kentucky, October 21, 1852.	<p>Lieut. A. Crozet, A. A. Q. M., with M. E. Lucas.</p>

F. Jordan and P. Witt.

## LIST OF CONTRACTS—Continued.

No.	Place and date.	Parties.	Subject-matter of contract.	Sureties.
29	Baltimore, Maryland, April 26, 1853.	Major J. L. Donaldson, A. Q. M., with J. W. Brown & Son.	Transportation of stores: To transport on the schooners <i>Blooming Youth</i> and <i>Cicero</i> , from Baltimore to Corpus Christi, Texas, 1,150 barrels of subsistence stores, for the sum of \$1 50 per barrel.	
30	Fort Brooke, Florida, December 14, 1852.	Lieut. J. H. Dickerson, A. A. Q. M., with John Goull.	Charter party: To charter to the United States the schooner <i>Sprague</i> , with captain, cook, and pilot, to sail to each port as may be designated, for the sum of \$130 per month.	
31	Philadelphia, March 2, 1853.	Major G. H. Crosmann, quartermaster, with W. H. Horstmann & Son.	Clothing, &c.: To deliver by the 31st July, 1853, 203 crimson sashes, at \$2 65 each; 100 drumstick carriages, at 50 cents each; 2,000 yards yellow, 6,000 yards crimson, 25,000 yards orange, 13,000 yards green, and 2,000 yards dark blue 1-inch worsted cord; 1 the crimson, red, and dark blue, at \$1 50 per 100 yards; the yellow, orange, and green, at \$1 40 per 100 yards. 7,000 yards scarlet, 6,000 yards white, 3,000 yards dark blue bunting, at \$6 50 per piece of 40 or 42 yards; 100 pieces dark blue serge, at \$12 per piece of 2½ yards; 1,000 pairs of brass aprons, at 54 cents per pair.	
32	Philadelphia, March 2, 1853.	Major G. H. Crosmann, quartermaster, with Charles Kelly.	Clothing, &c.: To deliver at the United States arsenal on Schuylkill, on or before July 31, 1853, 15,000 yards of unbleached cotton drillings, at 12½ cents per yard; 30,000 yards of unbleached cotton drillings, at 10½ cents per yard.	
33	Philadelphia, March 2, 1853.	Major G. H. Crosmann, quartermaster, with Joseph Crowder.	Clothing, &c.: To deliver at the arsenal of the United States on the Schuylkill, 2,000 dozen woolen half-hose, for the sum of \$2 41 per dozen.	

36	Philadelphia, March 4, 1853.....	Major G. H. Croaman, quartermaster, with W. C. Churchill.	drums complete, for the United States arsenal on clothing, &c.: To deliver at the United States arsenal on the Schuylkill, on or before the 31st of July, 1853, 31,000 yards 6-4 sky blue twilled woolen cloth, for the sum of \$1 39½ cents per yard.	
37	Tampa, Florida, February 12, 1853.	Lieut. J. H. Dickerson, A. A. Q. M., with A. McNeill.	Transportation of troops: To transport on the schooner S. T. Rogers, from Tampa bay to Pensacola, one sergeant and regimental property of the 1st regiment of artillery, for the sum of \$115 50.	
38	New York, May 4, 1853.....	Lieut. A. J. Donaldson, A. A. Q. M., with Darius Clark.	Transportation of troops: To transport on railroad and steamboat, from New York to St. Louis, two 1st class and ten 2d class passengers, the first for the sum of \$24 50 each, the second \$17 50 each.	
39	Fort Howard, June 7, 1852.....	Lieut. B. D. Forsyth, A. A. Q. M., with Joseph B. Clark.	Transportation of troops: To transport on the steamer Julius D. Morton, from Fort Howard to Fort Columbus, 7 officers, 71 men, &c., for the sum of \$1,630.	
40	Fort Trumbull, May 19, 1853....	Lieut. E. G. Beckwith, A. A. Q. M., with George Shepherd & Son.	Wood: To deliver at Fort Trumbull, Connecticut, by 1st December, 1853, 150 cords of wood, for the sum of \$5 50 per cord. Bond \$250.	F. W. Lawrence.
41	Fort Inge, Texas, November 29, 1852.	Lieut. Col. D. D. Tompkins, D. Q. M. G., with Frederick Mumme.	Corn: To deliver at Fort Inge, Texas, by the 1st of February, 1853, 500 bushels of corn, for the sum of 62½ cents per bushel.	
42	Fort Inge, Texas, November 27, 1852.	Lieut. Col. D. D. Tompkins, D. Q. M. G., with A. Lienoreber.	Corn: To deliver at Fort Inge, Texas, by the 1st of February, 1853, 530 bushels of corn, for the sum of 62½ cents per bushel of 56 lbs.	
43	Fort Inge, Texas, November 16, 1852.	Lieut. Col. D. D. Tompkins, D. Q. M. G., with A. Brodhead.	Corn: To deliver at Fort Inge, Texas, by the 1st of February, 1853, 800 bushels of corn, for the sum of 62½ cents per bushel of 56 lbs.	
44	St. Louis, Missouri, May 11, 1853.	Major D. H. Vinton, quartermaster, with James Ward.	Transportation of troops: To transport on the steamer Excel, from Jefferson barracks to Fort Snelling, one officer and 50 men, for the sum of \$11 for the officer, and \$5 for the men each.	
45	Baltimore, Maryland, May 17, 1853.	Major J. L. Donaldson, A. A. Q. M., with D. Stuart & Son.	Transportation of stores: To transport on the ship Greyhound, from Baltimore to Benicli, California, 2,100 barrels subsistence stores, for the sum of 65 cents per cubic foot. Bond \$5,000.	J. Stuart and J. Hooper.
46	Cibola, New Mexico, May 15, 1851.	Lieut. J. N. G. Whistler, A. A. Q. M., with Edward Oarnly.	Hay: To deliver at Cibola, New Mexico, by 1st of November, 1851, 400 tons of hay, for the sum of \$50 per ton.	



## LIST OF CONTRACTS—Continued.

No.	Place and date.	Parties.	Subject-matter of contract.	Sureties.
47	St. Louis, Missouri, May 19, 1853.	Major D. H. Vinton, quartermaster, with P. Choteau, jr., & Co.	Transportation of troops: To transport on the steamer Robert Campbell, from St. Louis to the mouth of the Yellow Stone river, 2 officers and 6 sappers and miners, for the sum of \$100 each for the officers, and \$50 each for the men.	O. M. Nash and Jno. Guilford.
48	New York, June 8, 1853.....	Lieut. Col. Thomas Swords, quarterm'r, with Ralph Post.	Charter party: To charter to the United States the ship Forest City, for a voyage to Indiana, Texas, transporting 200 men, &c., for the sum of \$4,500.	
49	St. Louis, Missouri, June 2, 1853.	Major D. H. Vinton, quartermaster, with J. T. Burdeau.	Transportation of troops: To transport on the steamer St. Paul, from Jefferson barracks to Fort Leavenworth, Mo., 11 officers and 230 men, for the sum of \$10 each for the officers, and \$3 each for the men.	
50	Fort Preble, Maine, May 14, 1853.	Captain C. L. Kilburn, A. A. Q. M., with E. Guilford.	Wood: To deliver at Fort Preble, Maine, by the 1st of September, 1853, 100 cords of oak wood, for the sum of \$5 50 per cord. Bond \$600.	
51	New Orleans, Louisiana, February 22, 1853.	Lieut. Col. A. C. Myers, A. Q. M., with Harris & Morgan.	Transportation of troops: To transport on the ship Personerance, from New Orleans to Indiana, Texas, one officer and 21 men, for the sum of \$20 for the officer, and \$7 each for the men.	
52	Tampa, Florida, January 8, 1853.	Lieut. J. H. Dickerson, A. A. Q. M., with O. O. Nelson.	Transportation of troops: To transport on the steamer J. Taylor, from Tampa bay to Pensacola, Florida, property of the 1st regiment of artillery, &c., for the sum of \$275.	O. M. Nash and Jno. Guilford.
53	San Francisco, December 27, 1852.	Major O. Cross, quartermaster, with John Weeks.	Transportation of stores: To transport on the schooner J. Bragdon and Kennebec, from San Francisco and Benicia to Tehama, 100 barrels of stores, for the sum of \$120 per ton.	
54	Fort Orford, Oregon Territory, February 8, 1853.	Lieut. H. C. Hodges, A. A. Q. M., with W. L. Dale.	Transportation of troops: To transport on the steamer Columbia, from Fort Orford, Oregon Territory, to San Francisco, 1 officer and 12 men, &c., for the sum \$1,000.	
55	San Francisco, January 22, 1853	Major O. Cross, quartermaster, with Jno. T. Wright.	Transportation of troops: To transport on the steamer Goliah, from Benicia, California, to Humboldt Bay, 7 officers and 107 men, &c., and 93 tons of freight, for the sum of \$7,500.	

57	Fort Fillmore, New Mexico, August 2, 1852.	Lieut. D. C. Green, A. A. Q. M., with J. D. Burgess.	sum of \$90 Transportation of stores: To transport in wagons, from Fort Fillmore to Presidio del Norte, for the Boundary Commission, such stores as may be turned over to him, for the sum of 12½ cents per pound. Lease: To lease to the United States a tenement now occupied by the United States troops in Albuquerque, for the term of 18 months, from December 1, 1852, in consideration of repairs to be made.	
58	Albuquerque, New Mexico, April 2, 1853.	Major D. H. Rucker, A. Q. M., with W. McGrorty & Co.	Transportation of troops: To transport on the steamer Montnomah, from the Dalles of Columbia to Columbia barracks, Oregon Territory, a detachment of troops, for the sum of \$7 50 each; stores \$60 per ton.	
59	Dalles of Columbia, Oregon Territory, Sept. 22, 1852.	Lieut. T. J. Montgomery, A. A. Q. M., with W. H. Fauntleroy.	Transportation of stores: To transport on the schooner Dolphin, from Baltimore to Indianola, Texas, 1,000 barrels of subsistence stores, for the sum of \$1 25 per barrel.	
60	Baltimore, Maryland, June 15, 1853.	Major J. L. Donaldson, A. Q. M., with L. Gittings.	Transportation of stores: To transport on mules, from Fort Redding to Fort Jones, California, such stores, &c., as shall be turned over to him, for the sum of 27 cents per pound.	
61	Fort Redding, California, April 23, 1853.	Capt. M. S. Miller, A. Q. M., with James M. Long.	Lease: To lease to the United States for a term not exceeding 10 years, all that property in the city of San Antonio now occupied by the Ordnance Department, for the sum of \$63 per month.	N. Sares and C. J. Cook.
62	San Antonio, Texas, May 28, 1853.	Major E. B. Babbitt, A. Q. M., with A. Huizar, agent, &c.	Hay: To deliver at San Antonio, by the 31st of August, 1853, 250 tons of hay, for the sum of \$7 89 per ton of 2,000 pounds. Bond \$4,000.	
63	San Antonio, Texas, June 18, 1853.	Major J. Belger, A. Q. M., with Pyren & Thomas.	Hay: To deliver at San Antonio, by the 25th of July, 1853, 100 tons of hay, for the sum of \$7 50 per ton of 2,000 pounds. Bond \$1,500.	
64	San Antonio, Texas, June 18, 1853.	Major J. Belger, A. Q. M., with M. August.	Employment: To command, navigate, and run the United States schooner Mary and Susan, (furnishing crew,) for the sum of \$400 per month.	Q. Laurence and M. Francia.
65	New York, July 11, 1853. ....	Lieut. Colonel Tho. Swords, quartermaster, with V. Harnden.	Transportation of troops: To transport on the steamer Polar Star, from St. Louis to Kansas, Missouri, one officer and 10 men, for the sum of \$11 for the officer, and \$2 50 for the men each.	
66	St. Louis, Missouri, July 11, 1853.	Major D. H. Vinton, quartermaster, with T. H. Brierly.		

## LIST OF CONTRACTS—Continued.

No.	Place and date.	Parties.	Subject-matter of contract.	Sureties.
67	Baltimore, Maryland, July 14, 1853.	Major J. L. Donaldson, A. Q. M., with J. W. Brown and Son.	Transportation of stores: To transport on the schooner Pacific, from Baltimore to Indianola, Texas, 1,600 barrels of subsistence stores, for the sum of \$1 25 per barrel.	W. D. Shaw and W. P. Dencla.
68	Fort Gibson, C. N., July 6, 1853.	Lieut. H. M. Black, R. Q. M., with James Wilkins.	Hay: To deliver at Fort Gibson, Creek Nation, by September 30, 1853, 200,000 pounds of hay, for the sum of \$3 per 1,000 pounds. Bond \$3,000.	
69	Fort Washington, Maryland, July 4, 1853.	Lieut. J. Holmes, A. A. Q. M., with Samuel Denty.	Wood: To deliver by September 30, 1853, at Fort Washington, Maryland, 200 cords of wood, for the sum of \$3 50 per cord. Bond \$500.	Sivi. Burk and P. H. Trcti.
70	Baltimore, Maryland, July 20, 1853.	Major J. L. Donaldson, A. Q. M., with J. W. Brown and Son.	Transportation of stores: To transport on the schooner Joseph Henry, from Baltimore to Corpus Christi, 1,105 barrels of subsistence stores, for the sum of \$1 50 per barrel.	
71	San Francisco, California, June 23, 1853.	Major O. Cross, quartermaster, with E. Knight, agent.	Transportation of troops: To transport on the steamer Columbia, from San Francisco to Columbia barracks, Oregon Territory, companies A and I, 4th infantry, for the sum of \$75 for officers, and \$40 for men, each.	
72	New York, July 25, 1853. ....	Lieut. Colonel Tho. Swords, quartermaster, with George Ray.	Wood: To deliver at the posts in the harbor of New York, 535 cords of wood, by December 31, 1853, for the sum of \$4 74 per cord.	
73	New York, July 25, 1853. ....	Lieut. Colonel Tho. Swords, quartermaster, with J. C. Church.	Coal: To deliver at Fort Hamilton and Governor's island, by December 31, 1853, 800 tons anthracite coal, for the sum of \$3 98 per ton of 2,000 pounds.	
74	Fort Smith, Arkansas, June 27, 1853.	Captain A. Montgomery, A. A. Q. M., with G. D. May.	Hay: To deliver at Fort Smith, Arkansas, by August 1, 1853, 75 tons of hay, for the sum of \$5 64 per ton. Bond \$850.	J. Rogers and J. W. Vander.
75	Fort Towson, C. N., July 6, 1853.	Lieut. S. B. Hayman, A. A. Q. M., with S. Folsom.	Hay: To deliver at Fort Towson, Creek Nation, by September 30, 1853, 50 tons of hay, for the sum of \$5 40 per ton. Bond \$500.	L. Garland and H. Berthelot.

77	Fort Snelling, Minnesota Territory, July 20, 1853.	Lieut. W. T. Magruder, A. A. Q. M., with Samuel Ross.	Hay: To deliver at Fort Snelling, Minnesota Territory, by October 1, 1853, 355 tons of hay, for the sum of \$3 95 per ton of 2,240 pounds. Bond \$600.	E. Pettyjohn and W. G. Moffit.
78	Philadelphia, August 2, 1853....	Major G. H. Crozman, quartermaster, with W. Mason and Sou.	Cotton duck: To deliver at the Schuylkill arsenal, by October 31, 1853, 20,000 yards cotton duck, for 19½ cents per yard; 4,000 yards at 13½ cents, and 2,000 yards at 21½ cents per yard.	
79	New York, August 6, 1853.....	Lieut. Colonel Tho. Swords, quartermaster, with Charles Morgan.	Charter party: To charter to the United States the steamship Louisiana, from New York to Brasos Santiago, transporting 16 officers and 253 men, for the sum of \$8,500.	
80	Charleston, S. Carolina, June 14, 1853.	Lieut. J. Thompson, A. A. Q. M., with M. C. Mordecai.	Transportation of troops: To transport on steamers Isabel and J. L. Day, from Charleston, South Carolina, to New Orleans, company M., 2d artillery, for the sum of \$1,400.	
81	Fort Martin Scott, June 16, 1853.	Lieut. T. Fink, A. A. Q. M., with J. C. Durst.	Hay: To deliver at Fort Martin Scott, Texas, by July 31, 1853, 50 tons of hay, for the sum of \$4 90 per ton of 2,240 pounds. Bond \$300.	J. Durst and Jacob Tueps.
82	New Orleans, June 1, 1853.....	Lieut. Col. A. C. Myers, A. A. Q. M., with W. P. Converse.	Lease: To lease to the United States the second and third stories of the Merchants' Bank, in the city of New Orleans, for the term of five years, from June 1, 1853, for the sum of \$1,800 per annum.	
83	New York, August 6, 1853.....	Lieut. Colonel Tho. Swords, quartermaster, with Lawrence and Foulkes.	Building a lighter: To construct and deliver, by the 1st day of October, a lighter for vessels, for the sum of \$2,000.	
84	St. Louis, Missouri, August 13, 1853.	Major D. H. Vinton, quartermaster, with Jos. La Barge.	Transportation of troops: To transport on the steamer Sonora, from St. Louis to Fort Leavenworth, 34 recruits, for the sum of \$4 each.	
85	Fort Riley, Missouri, August 1, 1853.	Lieut. A. Sargent, A. A. Q. M., with C. A. Perry.	Hay: To deliver at Fort Riley, Kansas river, by the 15th of October, 1853, 250 tons of hay, for the sum of \$7 per ton. Bond \$3,000.	E. Perry and R. Wilson.
86	Fort Mason, Texas, June 10, 1853.	Lieut. A. D. Tree, R. Q. M., with F. V. D. Stucker.	Hay: To deliver at Fort Mason, Texas, by the 31st of July, 1853, 300 tons of hay, for the sum of \$7 23 per ton. Bond \$2,000.	T. C. Ross and C. Schuckard.
87	Fort Washita, C. N., July 1, 1853.	Lieut. N. B. Pevree, A. A. Q. M., with Wall & Brashears.	Hay: To deliver at Fort Washita, Creek Nation, by the 1st of October, 1-53, 180 tons of hay, for the sum of \$3 92 per ton of 2,240 pounds. Bond \$1,000.	Kenney & Goodrich and Lemuel Gooding.
88	Baltimore, Maryland, June 1, 1853.	Major J. L. Donaldson, A. Q. M., with T. Simpson.	Printing: To print the hospital at Fort McHenry, with two good coats of paint, for the sum of \$100.	
89	San Antonio, Texas, May 11, 1853.	Major E. B. Babbitt, A. Q. M., with L. Esser.	Corn: To deliver at Fort Inge, by the 30th of June, 1853, 500 bushels of corn, for the sum of 60 cents per bushel.	

## LIST OF CONTRACTS—Continued.

No.	Place and date.	Parties.	Subject-matter of contract.	Sureties.
90	San Antonio, Texas, April 20, 1853.	Major E. B. Rabbitt, A. Q. M., with J. Neidenheifer.	Corn: To deliver at Fort Inge, Texas, by the 31st of May, 1853, 500 bushels of corn, for the sum of 60 cents per bushel.	N. M. Hall and B. Knight.
91	Fort Reading, California, July 9, 1853.	Captain M. S. Miller, A. Q. M., with Johnstone, Spalding & Co.	Barley: To deliver at Fort Reading, California, by the 1st of October, 1853, 250 tons of barley, for the sum of seven cents per pound. Bond \$70,000.	
92	Newport, Kentucky .....	Lieut. A. Crozet, A. A. Q. M., with D. M. Foster.	Transportation of troops: To transport on the steamer Norma, from Cincinnati to New Orleans, one officer and 21 men, for the sum of \$15 for the officer, and \$4 for the men each.	
93	New Orleans, June 18, 1853 ...	Lieut. Col. A. C. Myers, A. Q. M., with J. Nicc, Baker.	Employment: To run, command, &c., the steamer Fashion, subside the crew, &c., furnish fuel, &c., for the sum of \$1,675 per month.	J. D. Goodrich and J. C. French.
94	Rockfort, Illinois, June 21, 1853	Major T. W. Sherman, A. A. Q. M., with J. L. Davidson.	Transportation of baggage: To transport in wagons, from Rockport to Savannah, Illinois, all the baggage of company E, 3d artillery, for the sum of \$100.	
95	San Antonio, Texas, August 6, 1853.	Major J. Belger, A. Q. M., with N. Lewis.	Wood: To deliver at San Antonio, by the 10th of October, 1853, 150 cords of wood, for the sum of — per cord. Bond \$1,200.	
96	San Antonio, Texas, July 26, 1853.	Major J. Belger, A. Q. M., with T. G. Geiser.	Charcoal: To deliver at San Antonio, by the 25th of August, 1853, 1,500 bushels of charcoal, for the sum of 20 cents per bushel. Bond \$600.	W. J. Mitchell and H. Weber.
97	Fort Graham, Texas, July 30, 1853.	Lieut. C. H. Tyler, A. A. Q. M., with Guy Stokes.	Hay: To deliver at Fort Graham, Texas, by the 31st of August, 1853, 300 tons of hay, for the sum of \$7 45 per ton of 2,240 pounds. Bond \$500.	T. M. Steiner and H. Barnard, jr.
98	Fort Croghan, Texas, June 20, 1853.	Lieut. N. C. Givens, A. A. Q. M., with Williams & Ake.	Hay: To deliver at Fort Croghan, within 10 weeks, 200 tons of hay, for the sum of \$12 per ton. Bond \$500.	J. W. Mearis and K. H. Williams.
99	New York, September 19, 1853.	Lieut. Colonel Tho. Swords, quartermaster, with G. W. Cottrell.	Charter party: To charter to the United States the barque called the P. R. Hazletine, from New York, via Old Point Comfort, Virginia, to Brazos Santiago, or to the mouth of the Rio Grande, with stores, troops, &c., for the sum of \$1,000.	

102	Camp Centre, Nebraska, July 2, 1853.	Major E. A. Ogden, A. Q. M., with J. A. Crump.	each officer, and \$5 for the men each. Building barracks and quarters: To put up such masonry of brick and stone, pertaining to the barracks at Pawnee river, as may be required, for the sum of \$588, and eight cents per cubic foot of work, and 25 cents per superficial foot for cut-stone materials; 20 cents of each 25 cubic feet to be retained as a guaranty for fulfillment.
103	Fort Leavenworth, Missouri, August 30, 1853.	Lieut. J. H. Whittlesey, A. A. Q. M., with Russell, Wadell, & Co.	Transportation of stores: To transport in well-covered wagons, from Fort Atkinson to Fort Riley, Pawnee river, 65,000 pounds military stores, for the sum of \$7 per 100 pounds.
104	Fort Washita, C. N., August 12, 1853.	Lieut. N. B. Pearce, A. A. Q. M., with Kinney & Goodrich.	Wood: To cut 500 cords of wood on the military reserve at Fort Washita, C. N., for the sum of 50 cents per cord.
105	St. Louis, Missouri, September 16, 1853.	Major D. H. Vinton, quartermaster, with J. Cheever.	Transportation of troops: To transport on the steamer Clara, from St. Louis to Fort Leavenworth, 20 enlisted men, (more or less,) for the sum of \$4 each.
106	San Francisco, August 27, 1853.	Major O. Cross, quartermaster, with White & Storm.	Transportation of troops, &c.: To charter to the United States the steamer Fashion, for a voyage from Benicia to Colusa, California, for the sum of \$2,500 for the troops, and \$25 per ton for freight.
107	Philadelphia, Penn., October 6, 1853.	Major G. H. Crozman, quartermaster, with S. H. Matthews.	Transportation of troops: To transport on the steamship City of New York, from Philadelphia to Fort Independence, one company United States artillery, for the sum of \$8 each, and six cents per foot for freight.
108	Fort Inge, Texas, June 14, 1853.	Lieut. H. C. Ranson, A. A. Q. M., with H. Benseman.	Hay: To deliver at Fort Inge, by the 30th of July next, 170 tons of hay, for the sum of \$8 25 per ton of 2,240 pounds. Bond \$1,520.
109	Fort Niagara, September 13, 1853.	Captain G. W. Getty, A. A. Q. M., with L. C. Beals.	Fuel, forage, &c.: To deliver at Fort Niagara, New York, by the 28th of February next, 300 cords of wood, 4 tons of hay, 4 tons of straw, and 300 bushels of oats, for the sum of \$2 45 per cord for wood, \$11 per ton for hay and straw, and 50 cents per bushel for oats. Bond \$1,000.

C. Moner and L. Heath.

W. P. Clark and L. P. Babcock.

## LIST OF CONTRACTS—Continued.

No.	Place and date.	Parties.	Subject matter of contract.	Statutes.
110	St. Louis, Missouri, October 3, 1853.	Major D. H. Vinton, quartermaster, with Thomas W. Brierly.	Transportation of troops: To transport on the steamer Polar Star, from St. Louis to Fort Leavenworth, Missouri, one officer and 17 men, for the sum of \$411 for the officer, and \$4 for the men each.	H. C. Bourne and James Nelson
111	San Francisco, California, September 1, 1853.	Major O. C. Cross, quartermaster, with G. A. Johnston & Co.	Transportation of stores: To transport on good sea vessels and steamboats, from San Francisco and Benicia, to Fort Yuma, at the junction of the Colorado and Gila rivers, 150 tons or more of stores, for the sum of \$195 per ton; and to transport from any point on the Colorado river, for one year from the 1st of October, to Fort Yuma, such stores as may be required of them, for the sum of \$75 per ton. Bond \$10,000.	
112	Fort Leavenworth, September 15, 1853.	Lieut. J. H. Whittlescy, A. A. Q. M., with Russell, Wadell & Co.	Transportation of stores: To transport in well-covered wagons, from Fort Leavenworth, Missouri, to Fort Union, New Mexico, such stores as may be turned over to them, for the sum of 16 cents per pound. Bond \$20,000.	S. Conder, W. Mortimer, J. Warden, and J. W. Hornick
113	Fort Leavenworth, September 15, 1853.	Lieut. J. H. Whittlescy, A. A. Q. M., with Alex. Majors.	Transportation of stores: To transport in well-covered wagons, from Fort Leavenworth, Missouri, to Fort Union, New Mexico, such stores as may be turned over to him, for the sum of 16 cents per pound. Bond \$20,000.	D. W. Humphreys and J. M. Hunter
114	Fort Leavenworth, September 15, 1853.	Lieut. J. H. Whittlescy, A. A. Q. M., with J. B. Yager.	Transportation of stores: To transport in well-covered wagons, from Fort Leavenworth, Missouri, to Fort Union, New Mexico, such stores as may be turned over to him, for the sum of 16 cents per pound. Bond \$20,000.	J. M. Hunter and D. W. Humphreys
115	St. Louis, Missouri, October 8, 1853.	Major D. H. Vinton, quartermaster, with Eugene Laville.	Transportation of troops: To transport on the steamer Shenandoah, from Jefferson Barracks to St. Paul, Minnesota Territory, one officer and 49 men, for the sum of \$16 for the officer, and \$5.50 for the men each.	

116	St. Louis, Missouri, October 8, 1853.	Major D. H. Vinton, quartermaster, with R. M. Barclay.	Transportation of troops: To transport on the steamer Wenona, from Jefferson Barracks to Fort Leavenworth, one officer and 42 men, for the sum of \$11 for the officer, and \$4 for the men each.	T. R. West and C. J. Severs.
117	St. Louis, Missouri, October 8, 1853.	Major D. H. Vinton, quartermaster, with R. M. Barclay.	Transportation of troops, &c.: To transport on the steamer Wenona, from Jefferson Barracks to Fort Leavenworth, 3 officers, 62 men, and 48 horses and battery, for the sum of \$11 for each officer, \$4 for the men each, \$12 for each horse, and \$1 per 100 pounds for battery.	
118	Fort Gibson, C. N., September 12, 1853.	Lieut. H. M. Black, R. Q. M., with John Odle.	Oats: To deliver at Fort Gibson, by the 1st day of May, 1854, 2,800 bushels of oats, for the sum of 48 cents per bushel of 32 pounds. Bond \$5,000.	
119	Fort Gibson, C. N., September 16, 1853.	Lieut. H. M. Black, R. Q. M., with W. D. Shaw.	Corn: To deliver at Fort Gibson, by the 30th of April, 1854, 1,800 bushels of corn, for the sum of 44½ cents per bushel of 56 pounds. Bond \$3,000.	W. P. Dencia and W. C. Dickson.
120	Fort Belknap, Texas, August 20, 1853.	Lieut. F. Myers, A. A. Q. M., with M. T. Johnston.	Corn: To deliver at Fort Belknap, Texas, by the 1st day of May, 1854, 10,000 bushels of corn, for the sum of 90 cents per bushel of 56 pounds. Bond \$6,000.	Alexander Young and M. I. Brinson.
121	Fort Belknap, Texas, August 20, 1853.	Lieut. F. Myers, A. A. Q. M., with J. W. Smith & Co.	Corn: To deliver at Fort Belknap, Texas, by the 1st day of May, 1854, 10,000 bushels of corn, for the sum of 90 cents per bushel of 56 pounds. Bond \$6,000.	H. K. Vollentine and Eli Murphy.
122	Fort Belknap, Texas, August 20, 1853.	Lieut. F. Myers, A. A. Q. M., with Jesse Stern.	Corn: To deliver at Fort Belknap, Texas, by the 1st day of May, 1854, 5,000 bushels of corn, for the sum of 89 cents per bushel of 56 pounds. Bond \$3,000.	John S. West and P. George.
123	Charleston, S. Carolina, August 13, 1853.	Lieut. J. Thompson, A. A. Q. M., with Daniel Sinclair.	Transportation of stores: To transport on the schooner Highlander, 52 bales of hay, 171 bags of oats, 28 barrels, 7 sacks, 30 sheets copper, 12 papers copper tacks, 13 boxes, 2 bales, 7 tierces, from Charleston, South Carolina, to Indian river, Florida, for the sum of \$550.	
124	Charleston, S. Carolina, August 23, 1853.	Lieut. J. Thompson, A. A. Q. M., with Daniel Sinclair.	Transportation of stores: To transport on the sloop Julia Dean, 42 barrels pork, 45 barrels flour, 35 barrels bread, 1 barrel vinegar, 3 bags coffee, 4 boxes candles, 2 sacks salt, 3 boxes soap, and 9 barrels beans, from Charleston, South Carolina, to New Smyrna, Florida, for the sum of \$525.	
125	Fort Brooke, Florida, August 1, 1853.	Lieut. A. J. Cooke, A. A. Q. M., with Jno. Gould.	Charter party: To charter to the United States the schooner Sprague, to sail to such ports as may be required, for the sum of \$155 per month—captain and crew included.	
126	Fort Smith, Arkansas, September 17, 1853.	Captain A. Montgomery, A. Q. M., with John Gardner.	Corn: To deliver at Fort Smith, by the 31st of January, 1854, 4,000 bushels of corn, for the sum of 37½ cents per bushel. Bond \$3,000.	N. Spring and B. Sutton.



## LIST OF CONTRACTS—Continued.

No.	Place and date.	Parties.	Subject-matter of contract.	Sureties.
127	Fort Smith, Arkansas, September 17, 1853.	Captain A. Montgomery, A. Q. M., with D. Trammel.	Oats: To deliver at Fort Smith, by the 31st of January, 1854, 1,500 bushels of oats, for the sum of 40 cents per bushel. Bond \$1,200.	G. W. Knox and N. Spring.
128	Fort Washita, C. N., September 25, 1853.	Lieut. N. B. Pearce, A. A. Q. M., with Kenny & Goodridge.	Corn: To deliver at Fort Washita, C. N., 8,000 bushels of corn, for the sum of 35½ cents per bushel. Bond \$3,000.	J. Duke and W. C. Vance.
129	Fort Ridgely, Minnesota Territory, Sept. 28, 1853.	Captain N. J. T. Dana, A. Q. M., with Borup & Champlin.	Corn and oats: To deliver at Fort Ridgely, Minnesota Territory, by the 1st of February, 1854, 2,000 bushels of corn and 3,000 bushels of oats, for the sum of \$1 35 per bushel for the corn, and 90 cents per bushel for the oats. Bond \$3,000.	C. W. Borup and C. H. Oakes.
130	New York, October 20, 1853....	Lieut. Colonel Tho. Swords, quartermaster, with W. R. Kincaid.	Employment of commander: To navigate and sail the U. States schooner Q. M. D., from New York to Brazos St. Iago, for the sum of \$250.	
131	New York, November 2, 1853..	Lieut. Colonel Tho. Swords, quartermaster, with Lawrence & Foulkes.	Building a lighter: To construct a hull and spars of a schooner, (to be used as a lighter,) agreeably to specifications filed, for the sum of \$2,500.	
132	Baltimore, Maryland, November 8, 1853.	Major S. B. Dusenbery, quartermaster, with George Belkows.	Transportation stores, &c.: To transport on the schooner Louisa, from Baltimore to Indianapolis, Texas, three saw-mills, 645 cubic feet, and 1,841 bags of oats, for the sum of 25 cents per foot for the mills, and 20 cents per bushel for the oats, and \$35 for one cabin passage.	
133	Baltimore, Maryland, November 3, 1853.	Major S. B. Dusenbery, quartermaster, with B. Jones.	Employment: To proceed with 3 saw-mills, on schooner Louisa, to Texas, and superintend the putting up and running the mills, for the sum of \$100 per month and one and a half rations per day.	
134	San Francisco, California, October 6, 1853.	Major O. Cross, quartermaster, with Neefus & Tichnor.	Charter party: To charter to the United States the schooner Spartacus, for the transportation of 900 barrels (bulk) and 6,000 feet of lumber, from Benicia to Colusa, California, for the sum of \$1,800.	
135	October	Lieut. G. Chapin, A. A. Q. M., with R. M. Jones.	Corn: To deliver at Fort Towson, C. N., by the 1st of April, 1854, 1,000 bushels of corn, for the sum of 38 9-10 cents per bushel. Bond \$480.	V. B. Tims and C. F. Steward.

137	Baltimore, Maryland, October 29, 1853.	Major J. L. Donaldson, A. Q. M., with J. Corrier & Sons.	Transportation of stores: To transport on the brig <i>Pampan</i> , from Baltimore to Corpus Christi, Texas, 1,350 barrels subsistence stores, for the sum of \$1 50 per barrel.
138	Baltimore, Maryland, October 29, 1853.	Major J. L. Donaldson, A. Q. M., with S. Gillman.	Transportation of stores: To transport on the schooner <i>Henrietta</i> , from Baltimore to Corpus Christi, Texas, 1,200 barrels subsistence stores, for the sum of \$1 50 per barrel.
139	New York, November 11, 1853.	Lieut. Col. T. Swords, quartermaster, with W. T. Frost.	Transportation of troops: To transport on the ship <i>Oswego</i> , from New York to New Orleans, one officer and 12 men, for the sum of \$50 for the officer, and \$10 for the men each.
140	Philadelphia, Penn., October 31, 1853.	Major J. G. Martin, A. Q. M., with Levi Eldridge, agent.	Charter party: To charter to the United States the steamship <i>Pennsylvania</i> , for a voyage from Fort Monroe, Virginia, to Tampa bay, Florida, and back, transporting troops outward and returning, for the sum of \$8,000.
141	Newport, Rhode Island, August 9, 1853.	Lieut. S. L. Fremont, A. A. Q. M., with A. A. Peckham.	Rent of rooms: Renting to the United States a house in the town of Newport, Rhode Island, to be used as offices, &c., for the officers of the 3d artillery, for the sum of \$20 per month.
142	Baltimore, Maryland, October 25, 1853.	Major J. L. Donaldson, A. Q. M., with J. W. Brown & Son.	Transportation of stores: To transport on the schooners <i>Cicero</i> and <i>Blooming Youth</i> , from Baltimore to Brazos Santiago, 1,800 barrels of subsistence stores, for the sum of \$1 50 per barrel.
143	Baltimore, Maryland, November 14, 1853.	Major J. L. Donaldson, A. Q. M., with J. W. Brown & Son.	Transportation of stores: To transport on the schooner <i>D. L. Clinch</i> , from Baltimore to Corpus Christi, 1,100 barrels of subsistence stores, for the sum of \$1 50 per barrel.
144	Baltimore, Maryland, November 14, 1853.	Major J. L. Donaldson, A. Q. M., with J. W. Brown & Son.	Transportation of stores: To transport on the schooner <i>Pacific</i> , from Baltimore to Indianola, Texas, 1,350 barrels subsistence stores, for the sum of \$1 50 per barrel.
145	Fort Smith, Arkansas, September 17, 1853.	Captain A. Montgomery, A. Q. M., with Edmund Corcoran.	Wood: To deliver at Fort Smith, before the 31st March, 1854, 400 cords of wood, for the sum of \$1 50 per cord. Bond \$1,900.

Thomas McCann and F. McKeernan.

## LIST OF CONTRACTS—Continued.

No.	Place and date.	Parties.	Subject-matter of contract.	Sureties.
146	New York, October 15, 1853....	Lieut. Col. T. Swords, quartermaster, with W. H. Aspinwall.	Charter party: To charter to the United States the entire capacity of the steamship San Francisco, for a voyage from New York to San Francisco with troops, for the sum of \$75,000.	
147	Fort Gibson, Creek Nation, November 5, 1853.	Lieut. H. M. Black, R. Q. M., with John Odle.	Oats: To deliver at Fort Gibson, Creek Nation, between November 5, 1853, and September 15, 1854, 5,500 bushels of oats, for the sum of 48 cents per bushel. Bond \$10,000.	Daniel Cuthbert and Wm. Odle.
148	Newport, Rhode Island, August 5, 1853.	Captain S. L. Fremont, R. Q. M., with A. Stewart, agent.	Transportation of troops: To transport on steamboats from Newport, Rhode Island, to New York, companies B and L, 3d artillery, for the sum of \$3 for each officer, and \$2 for the men each.	
149	Fort Mackinac, July 6, 1853....	Major G. W. Rains, A. A. Q. M., with G. & T. Wendell.	Fuel: To deliver at Fort Mackinac 200 tons of coal, and 75 cords of wood, for the sum of \$5.50 per ton for the coal, and \$3.96 per cord for the wood.	
150	Ringgold barracks, Texas, October 20, 1853.	Major W. W. Chapman, A. Q. M., with H. Clay Davis.	Lease: To lease to the United States until the 31st August, 1854, the site and ground enclosed with Ringgold barracks, Texas, and quitting claim for back rents, &c., from 1848, for the sum of \$6,000.	
151	San Francisco, Calif'a, March 29, 1850.	Captain J. L. Folsom, A. Q. M., with J. Donahue.	Repairs on steamer: To make such alterations and repairs on the machinery, &c., of the steamship Massachusetts, as are set forth in specifications annexed, for the sum of \$5,000.	
152	Fort Washita, Creek Nation, October 18, 1853.	Lieut. N. B. Pearce, A. A. Q. M., with G. Thompson.	Oats: To deliver at Fort Washita, by the 1st day of January, 1854, 600 bushels of oats, for the sum of 49 cents per bushel for 300, and 50 cents per bushel for 300. Bond \$500.	
153	Fort Towson, Creek Nation, November 12, 1853.	Lieut. G. Chapin, A. A. Q. M., with R. M. Jones.	Corn: To deliver at Fort Towson, by the 1st April, 1854, 1,000 bushels of corn, for the sum of 34 cents per bushel. Bond \$500.	

... to the United States, for a period of from 1 to 10 years, the site of Fort McIntosh, including 2,500 acres of land, for the sum of \$750 per annum; and the same amount for the last five years occupancy of the same.

Transportation of troops: To transport on steamers from New York, via Nicaragua, to San Francisco, six officers and 150 enlisted men, laundresses, &c., for the sum of \$225 for each officer, and \$100 for each man, laundry, &c.

Major M., with Don Dolores Garcia.

Lieut. Colonel Tho. Swords, quartermaster, with Charles Morgan, agent.

156 New York, December 26, 1853.

## LIST OF BILLS OF LADING.

No.	Date.	By whom signed.	For supplies forwarded by Major G. H. Crosmann.
1852.			
1	Dec.	G. H. Carleton.....	From Philadelphia—
2		James Rowland.....	To New Orleans, on brig Zenobia, 489 cubic feet, for 8 cents per foot.
3		G. J. Jones.....	To New Orleans, on ship Caledonia, 205 cubic feet, for 8 cents per foot.
4		W. R. Derickson.....	To Charleston, South Carolina, on ship State of Georgia, 4 boxes, for \$1 50.
5		do.....	To New Orleans, on ship France, 177 cubic feet, for 8 cents per foot.
6		Charles Mercier.....	To New Orleans, on ship France, 375 cubic feet, for 8 cents per foot.
7		D. Pratt.....	To New Orleans, on barque Saragosa, 1 box, for \$1.
8		W. Fales.....	To New Orleans, on ship Pungustuk, 45 cubic feet, for 8 cents per foot.
1853.			
9	Jan.	C. Peters.....	To San Francisco, California, on barque Marmora, 6,300 cubic feet, for 54 cents per foot.
10		B. N. Thompson.....	To New Orleans, on barque Swan, 54 cubic feet, for 75 cents.
11		C. Petty.....	To Charleston, South Carolina, on schooner John Potts Brown, 2 tierces, 1 box, &c., for 75 cents.
12		H. Newton.....	To New Orleans, on barque Alvarado, 399 cubic feet, for 10 cents per foot.
13	Feb.	G. R. Baynon.....	To New Orleans, on barque Juniata, 213 cubic feet, for 10 cents per foot.
14		A. Jones.....	To Baltimore, on steamer, 6 packages, 1 box, 1 tierce, for 20 cents per 100 pounds.
15		R. Lodge.....	To Baltimore, on steamer, 1 box, for 37½ cents.
16		A. Jones.....	To New Orleans, on brig Cimbrons, 199 cubic feet, for 10 cents per foot.
17		J. Disney.....	To Baltimore, on steamer, 1 box, for 25 cents.
18	April	J. Sleeper.....	To Charleston, South Carolina, on schooner Huntress, 1 bale, 1 tierce, 1 box, for \$1 30.
19		L. Eldridge.....	To New Orleans, on barque A. H. Kimball, 2,408 cubic feet, for 10 cents per foot.
20		W. A.....	To Charleston, on schooner Martha, 88 cubic feet, for 8 cents per foot.
21		C. Perth.....	To Baltimore, on steamer, 253 pounds, for 20 cents per 100 pounds.
22	May	S. Weeks.....	To New Orleans, on schooner Joseph H. Flenner, 2½ cubic feet, for 10 cents per foot.
23		Baynon.....	To San Francisco, 6 life and yawl boats, for \$1,900, 1,055 cubic feet, for 75 cents per foot.
24		do.....	To Baltimore, on steamer, 2 boxes, for 50 cents.
25		Cooper.....	To Baltimore, on steamer, 1 tierce, 1 box, 1 bale, for 30 cents per 100 pounds.
26	June	E. Honeywell.....	To New York, on steamer Concord, 4,443 pounds, for \$20.
27		Baynon.....	To New Orleans, on ship Walter R. Jones, 184 cubic feet, for 10 cents per foot.
28		do.....	To Baltimore, on steamer, 1 box, for 25 cents.
29		F. Cooper.....	To New York, on steamer L. G. Cannon, 30 wagons, 22 extra wheels, for \$8 each.
30		Baynon.....	To Baltimore, on steamer, 5 tierces, 3 bales, 14 boxes, &c., for 20 cents per 100 pounds.
31		L. R. Masie.....	To New Orleans, on barque Naulius, 123 cubic feet, for 10 cents per foot.
32		A. Dole.....	To Charleston, on schooner Dole, 343 cubic feet, for 4 cents per foot.

33	July	30	Raynon.....	To Baltimore, on steamer, 2,240 pounds, for 20 cents per 100 pounds.
34		2	Cooper.....	To New York, on steamer Anthracite, 480 cubic feet, for 4 cents per foot.
35		14	...do.....	To New York, on steamer Middlesex, 8 wagons, &c., for \$73 50.
36		21	J. Dalgre.....	To Baltimore, on steamer, 1,997 pounds, for 20 cents per 100 pounds.
37		25	Bishop, Simonds & Co.....	To New Orleans, on ship Marathon, 516 cubic feet, for \$52 60.
38		26	Baynon.....	To Baltimore, on steamer, 371 pounds, for 20 cents per 100 pounds.
39		29	F. Cooper.....	To New York, on steamers Mars and Concord, 322 cubic feet, for 4 cents per foot.
40		30	C. Perth.....	To New Orleans, on schooner J. H. Flanner, 619 cubic feet, for 12½ cents per foot.
41		30	E. Corson.....	To Charleston, on schooner Corson, 2 boxes, for \$1.
42	Aug.	17	F. Cooper.....	To New York, on steamer E. Payne, 37 wagons, for \$9 50; extra freight, \$10.
43		18	...do.....	To New York, on steamer Carcero, 288 cubic feet, for 4 cents per foot.
44		18	...do.....	To New York, on steamer Shark, 133 cubic feet, for 4 cents per foot.
45		25	Baynon.....	To Baltimore, on steamer, 3,898 pounds, for 20 cents per 100 pounds.
46		27	Bishop, Simonds & Co.....	To Indianapolis, Texas, on schooner Mechanic, 2,627 cubic feet, for 15 cents per foot.
47	Sept.	6	...do.....	To Indianapolis, Texas, on schooner Martha, 21 wagons and 208 feet, for \$25 per wagon and 15 cents per foot.
48		10	Cooper.....	To New York, on steamer Vulcan, 450 cubic feet, for 4 cents per foot.
49		15	Bishop, Simonds & Co.....	To New Orleans, on ship Naples, 1,363 cubic feet, for 12½ cents per foot.
50		28	Dalgre.....	To Baltimore, on steamer, 1,245 pounds, for 20 cents per 100 pounds.
51	Oct.	4	...do.....	To Baltimore, on steamer, 718 pounds, for 20 cents per 100 pounds.
52		5	...do.....	To Baltimore, on steamer, 1,000 pounds, for 20 cents per 100 pounds.
53		10	Bishop, Simonds & Co.....	To New Orleans, on barque Golden Era, 50 wagons, 25 extra wheels, for \$12 per wagon, \$1 per wheel; 1,916 feet, for 10 cents per foot.
54		13	Dalgre.....	To Baltimore, on steamer, 1 box, for 50 cents.
55		19	E. Groves.....	To Baltimore, on steamer, 2 boxes, for 50 cents.
56		26	Dalgre.....	To Baltimore, on steamer, 1 box, for 25 cents.
57		26	Bishop, Simonds & Co.....	To New Orleans, on ship John and Albert, 2,280 cubic feet, for 10 cents per foot.
58	Nov.	3	F. Cooper.....	To New York, on steamers Diamond and Tarcony, 493 cubic feet, for 4 cents per foot.
59		15	Dalgre.....	To Baltimore, on steamer, 1,666 pounds, for 20 cents per 100 pounds.
60		16	...do.....	To Baltimore, on steamer, 2 boxes, for 20 cents per 100 pounds.
61		17	Bishop, Simonds & Co.....	To Indianapolis, on schooner A. B. Moore, 15 wagons, for \$25 each; 18 wheels, for \$2 50 each.
62		23	...do.....	To Indianapolis, on schooner Castello, 15 wagons, for \$25 each; 7 wheels, for \$2 50 each.
63		26	...do.....	To New Orleans, on barque Alexis, 50 wagons, for \$10 each; 30 wheels, for \$1 25 each.
64		30	...do.....	To New Orleans, on barque Empress, 50 wagons, for \$10 each; 20 wheels, for \$1 25 each.
65	May	26	Baynon.....	To Baltimore, on steamer, 1,703 pounds, for 20 cents per 100 pounds.

*Bills of lading of sundry railroad companies taken by Major G. H. C—  
man.*

From Camden and Amboy Company, Nos. from 1 to 70 inclusive, 463 boxes, 289 bales, 138 tierces, 253 tent poles, 12 iron bedsteads, 15 iron pots, 2 kegs, 2 wagon wheels.

From Pennsylvania Railroad Company, Nos. from 1 to 15, 189,226 pounds.

From D. Leach & Co., Nos. 1 to 19 inclusive, 53,078 pounds, at 65 cents per 100 pounds; 15,885 pounds, at 55 cents; 503 pounds, at \$1 85.

From Adams' Express, Nos. 1 to 15 inclusive, 18 boxes, 2 tierces, 4 packages, 4 sets tent poles.

From Philadelphia, Reading, &c., Nos. 1 to 8 inclusive, 5,740 pounds, at 50 cents per 100 pounds; 1,390 pounds, at 30 cents per 100 pounds; 2,129 pounds; 1,409 pounds, at 22 cents per 100 pounds.

From Philadelphia, Wilmington and Baltimore Company, Nos. 1 to 4 inclusive, 15 boxes, 1 bale, 1 tierce, 3 packages.

TH. S. JESUP,

*Quartermaster General.*

QUARTERMASTER GENERAL'S OFFICE,  
Washington City, December 31, 1853.

REPORT  
OF THE  
THE SECRETARY OF WAR,

COMMUNICATING

*Clerks and other persons employed in the War Department, other than officers of the army, during the year 1853.*

FEBRUARY 24, 1854.—Ordered to lie on the table and be printed.

WAR DEPARTMENT,  
Washington, February 23, 1854.

In compliance with acts approved April 20, 1818, and August 12, 1846, and a resolution of the House of Representatives of 13th May, 1846, I have the honor to transmit, herewith, lists of clerks and other persons employed in this Department, other than officers of the army, during the year 1853.

Very respectfully, your obedient servant,

JEFFN. DAVIS,  
Secretary of War.

D. R. ATCHISON,  
President of the Senate.



*List of persons employed in the office of the Secretary of War during the year 1853.*

Names and office.	Period of service.	Rate of annual pay.	Amounts.	Aggregate compensation.	Residence when appointed.
<i>Chief Clerk.</i>					
John Potts .....	From January 1 to March 9 .....	\$2,000 00	.....	\$377 78	District of Columbia.
Archibald Campbell.....	From March 10 to June 30 .....	2,000 00	\$622 22		
	From July 1 to December 31.....	2,200 00	1,100 00	1,722 22	Pennsylvania.
<i>Clerks.</i>					
Archibald Campbell.....	From January 1 to March 9 .....	1,600 00	.....	302 22	Do.
John Potts.....	From March 10 to June 30 .....	1,600 00	497 78		
	From July 1 to December 31.....	1,500 00	750 00	1,247 78	District of Columbia.
John D. McPherson.....	From January 1 to June 30 .....	1,600 00	800 00		
	From July 1 to December 31.....	2,000 00	1,000 00	1,800 00	Do.
Nathan Rice.....	From January 1 to June 30 .....	1,540 00	*770 00		
	From July 1 to December 31.....	1,500 00	750 00	1,520 00	Michigan.
Charles Calvert.....	From January 1 to June 30 .....	1,540 00	*770 00		
	From July 1 to December 31.....	1,200 00	600 00	1,370 00	Army.
J. D. Kerr.....	From January 1 to June 30 .....	1,200 00	†600 00		
	From July 1 to December 31.....	1,200 00	600 00	1,200 00	Virginia.
J. W. Newcomb .....	From January 1 to June 30 .....	1,200 00	.....	600 00	Massachusetts.
James T. Wynne .....	From July 5 to December 31.....	1,200 00	552 88	552 88	Mississippi.
Wm. B. Lee .....	From January 1 to June 30 .....	1,200 00	†600 00		
	From July 1 to December 31.....	900 00	450 00	1,050 00	Massachusetts

<i>Messing W.</i>									
W. H. Widdcombe .....	From January 1 to March 14 .....	780 00	.....	160 33	District of Columbia.				
P. Jordan.....	From March 15 to June 30 .....	780 00	†289 67						
	From July 1 to December 31.....	650 00	385 00	554 67	Do.				
Francis Datcher .....	From January 1 to June 30 .....	480 00	†940 00						
	From July 1 to December 31 .....	400 00	900 00	440 00	Do.				

\* Including ten per cent. additional compensation per act of August 31, 1852.

† Including twenty per cent. additional compensation per act of August 31, 1852.

*List of clerks and messengers employed in the Adjutant General's Office during the year ending December 31, 1853, submitted in conformity to the 11th section of the act of August 26, 1842, and the resolution of the House of Representatives of January 13, 1846.*

Names of clerks.	From whence appointed.	Amount of salary.	Amount of per centage.	Amount paid to each.	Time employed.
Joseph F. Brown.....	Indiana.....	\$1,400 00	\$70 00	\$770 00	From January 1 to June 30.
James L. Addison.....	Maryland.....	1,800 00	70 00	900 00	From July 1 to December 31.
John George Law.....	Army.....	1,500 00	120 00	750 00	From January 1 to June 30.
James H. Lowry.....	District of Columbia.....	1,200 00	115 00	720 00	From July 1 to December 31.
Richard M. Hanson.....	do.....	1,150 00	109 00	600 00	From January 1 to June 30.
Charles H. Lee.....	Virginia.....	1,200 00	100 00	600 00	From July 1 to December 31.
S. S. Randall.....	New York.....	1,000 00	100 00	600 00	From January 1 to June 30.
Levi Davis.....	District of Columbia.....	1,200 00	80 00	500 00	From July 1 to November 30.
R. W. Burché.....	do.....	900 00	80 00	480 00	From January 1 to June 30.
John McNab.....	California.....	1,200 00	80 00	375 00	From July 1 to November 30.
Thomas Borland.....	Arkansas.....	900 00	80 00	100 00	From December 1 to 31st.
Charles Baker, messenger.....	Massachusetts.....	900 00	63 58	437 77	From January 1 to June 30.
		500 00	50 00	63 58	From December 6 to 31st.
		500 00		300 00	From January 1 to June 30.
		500 00		250 00	From July 1 to December 30.

The current business of this office, stated and incidental, will not justify a reduction of the number of clerks at this time, as now authorized by law; nor is the removal of any of them, and the appointment of others in their stead, necessary for the better dispatch of business. The gentlemen have been properly and efficiently employed.

S. COOPER, Adjutant General.

Respectfully submitted, in duplicate.

Hon. JEFFERSON DAVIS, Secretary of War.  
ADJUTANT GENERAL'S OFFICE, Washington, February 9, 1854.

----- (If necessary use space within margin) with new statements please to collect

Names.	Employment.	Time paid for.	Salary per annum.	Per cent., act August 31, 1852.	Amount paid.	Classification per act Mar. 3, 1853.	Total paid each.	Residence at time of appointment.
Nathanial Frye.....	Chief clerk.	Six months.....	\$1,700 00	None.	\$350 00	3d class.....	\$1,600 00	Maine.
W. D. Beall.....	Clerk.....	Six months.....	1,500 00	.....	750 00	.....	.....	.....
E. H. Brooke.....	do.....	Six months.....	1,400 00	\$70 00	770 00	4th class.....	1,670 00	District of Columbia.
W. W. Young.....	do.....	Six months.....	1,800 00	.....	900 00	.....	.....	.....
Thomas Cromwell.....	do.....	Six months.....	1,150 00	115 00	690 00	3d class.....	1,440 00	Maryland.
N. B. Smith.....	do.....	Six months.....	1,500 00	.....	750 00	.....	.....	.....
Richard S. Cox.....	do.....	Six months.....	800 00	80 00	480 00	2d class.....	1,080 00	South Carolina.
Henry Robinson.....	do.....	Six months.....	1,200 00	.....	600 00	.....do.....	1,300 00	Maryland.
L. B. Harris.....	do.....	Six months.....	1,000 00	.....	600 00	.....do.....	1,900 00	New York.
E. O. Koovies.....	Messenger..	Six months.....	1,200 00	.....	600 00	.....do.....	1,140 00	District of Columbia.
		Six months.....	1,150 00	115 00	690 00	1st class.....	600 00	do.
		Five months and 25 days.	900 00	.....	450 00	.....do.....	435 33	Mississippi.
		Six months.....	700 00	70 00	490 00	.....	.....	District of Columbia.
		Six months.....	700 00	.....	350 00	.....	770 00	do.

The above mentioned have all been usefully employed, and their services cannot be dispensed with without detriment to the public service; nor is the removal of any, and the appointment of others in their stead, required for the dispatch of business.

BENJ. F. LARNED, Acting Paymaster General.

PAYMASTER GENERAL'S OFFICE, January 3, 1854.

*Names, compensation, &c., of the clerks and messengers of the Quartermaster General's Office during the year 1853.*

Names and office.	Where born.	Appointed from—	Length of service.	Annual compensation.		Additional 30 per ct. from Jan. 1 to June 30.	Amount received.	Where employed.
				Jan. 1 to June 30.	July 1 to Dec. 31.			
Wm. A. Gordon, chief clerk....	Maryland.....	Pennsylvania....	January 1 to December 31	\$1,600 00	\$1,800 00	.....	\$1,700 00	Washington city.
James Goetler.....	Dist. Columbia..	Dist. Columbia..	.....do.....	1,200 00	1,500 00	\$120 00	1,470 00	Do.
Wm. L. Bailey.....	Virginia.....	.....do.....	.....do.....	1,000 00	1,500 00	100 00	1,350 00	Do.
John S. Moore.....	Maryland.....	.....do.....	.....do.....	1,000 00	1,200 00	100 00	1,200 00	Do.
Samuel D. Finkel.....	Pennsylvania....	.....do.....	.....do.....	1,000 00	1,200 00	100 00	1,200 00	Do.
Thomas J. Abbott.....	Virginia.....	Alabama.....	.....do.....	1,000 00	1,200 00	100 00	1,200 00	Do.
J. C. Goolrick.....	.....do.....	Dist. Columbia..	.....do.....	1,000 00	1,200 00	100 00	1,200 00	Do.
M. Markland.....	North Carolina..	Kentucky.....	.....do.....	1,000 00	1,200 00	100 00	1,200 00	Do.
James B. Nourse.....	Dist. Columbia..	New York.....	April 1 to December 31..	1,000 00	900 00	50 00	750 00	Do.
Thomas G. King.....	New York.....	.....do.....	January 1 to December 31	1,000 00	900 00	100 00	1,050 00	Do.
George M. Cook.....	Virginia.....	Virginia.....	.....do.....	1,000 00	900 00	100 00	1,050 00	Do.
M. Schermerhorn.....	New York.....	New York.....	1st to 20th January.....	1,000 00	.....	11 11	66 66	Do.
M. Brewer.....	.....do.....	Tennessee.....	February 1 to March 31..	1,000 00	.....	32 77	193 66	Do.
George Phelps, messenger....	Maryland.....	Dist. Columbia..	January 1 to December 31	500 00	500 00	50 00	550 00	Do.

The persons named in this list have been usefully and actively employed. None can be dispensed with without detriment to the public service; and it is not considered that the removal of any and the appointment of others in their stead is required for the better dispatch of the business of the office.

TH. S. JESUP, Quartermaster General.

QUARTERMASTER GENERAL'S OFFICE, February 8, 1854.

Names.	Employment.	Time employed.	Salary per annum	90 per cent. additional.	Amount paid.	Classification, per civil and diplomatic appropriation bill.	Total paid each.	State from which appointed.
Richard Gott.....	Clerk.....	Six months.....	\$1,600 00	.....	\$800 00	Fourth class.....	\$1,700 00	Maryland.
William J. Smith.....	do.....	Six months.....	1,800 00	.....	900 00	.....	.....	.....
.....	do.....	Six months.....	1,200 00	\$120 00	720 00	Third class.....	1,470 00	New York.
Columbus Munroe.....	do.....	Six months.....	1,500 00	.....	750 00	.....	.....	.....
.....	do.....	Six months.....	1,000 00	100 00	600 00	Second class.....	1,200 00	District of Columbia.
Wm. H. Watson.....	do.....	Six months.....	1,200 00	.....	600 00	.....	.....	.....
.....	do.....	Six months.....	1,000 00	100 00	600 00	Second class.....	1,200 00	District of Columbia.
H. P. Randolph.....	do.....	Three months and 8 days.	1,000 00	54 44	326 66	.....	326 66	New York.
J. A. Wilcox.....	do.....	Six months.....	1,000 00	100 00	600 00	First class.....	1,050 00	District of Columbia.
.....	do.....	Six months.....	900 00	.....	450 00	.....	.....	.....
Jos. Schwartz.....	do.....	Two months and 23 days.	1,000 00	45 50	273 30	First class.....	723 30	Wisconsin.
.....	do.....	Six months.....	900 00	.....	450 00	.....	400 00	District of Columbia.
L. R. Thomas.....	Messenger..	Nine months.....	500 00	25 00	400 00	.....	.....	.....

NOTE.—All have been usefully employed, and, in my opinion, the services of any of them cannot be dispensed with without detriment to the public service.

GEO. GIBSON, *Commissary General of Subsistence.*

Office of Commissary General of Subsistence, Washington, January 3, 1854.

*List of persons employed in the office of the Surgeon General during the year 1853, State or Territory from which appointed, time employed, and compensation.*

Names.	Employment.	Time employed.	Salary per annum.	Additional 20 per cent.	Amount paid.	Classification, per civil and dip. app. bill.	Total.	State or Territory from which appointed.
R. Johnson .....	Principal clerk...	Six months.	\$1,150 00	\$115 00	\$690 00	4th class .....	\$1,590 00	Maryland.
A. Belmain .....	Clerk.....	Six months.	1,800 00	.....	900 00	.....	.....	.....
P. M. Henry.....	.....do.....	Six months.	1,000 00	100 00	600 00	2d class.....	1,200 00	District of Columbia.
J. H. Collins.....	Messenger....	Six months.	1,200 00	.....	600 00	1st class.....	1,050 00	Virginia.
		Six months.	900 00	.....	450 00	.....	.....	.....
		Six months.	500 00	50 00	300 00	.....	550 00	District of Columbia.
		Six months.	500 00	.....	250 00	.....	.....	.....

The clerks and messenger in the Surgeon General's Office have been usefully employed, and no person in the office can be dispensed with without detriment to the public service, and the prompt dispatch of business does not require the removal of any of them and the appointment of others in their stead.

TH. LAWSON, Surgeon General.

SURGEON GENERAL'S OFFICE, January 3, 1854.

Names and office.	Residence when appointed.	Time employed.	Salary from January 1 to June 30, 1863.				Salary from July 1 to December 31, 1863.		Total compensation.
			Salary per annum.	Additional 20 per cent., act August 31, 1862.	Additional 10 per cent., act August 31, 1862.	Total.	Salary per annum.	Amount paid.	
Francis N. Barbarin, clerk.	New Jersey.....	For the whole year	\$1,200 00	\$120 00	.....	\$720 00	\$1,800 00	\$900 00	\$1,820 00
James C. Wilson.....do..	Dist. Columbia..	.....do.....	1,150 00	115 00	.....	690 00	1,500 00	750 00	1,440 00
James Eveleth.....do..	Virginia.....	.....do.....	1,250 00	.....	\$50 00	675 00	1,500 00	750 00	1,425 00
R. B. Fowler.....do..	Dist. Columbia..	.....do.....	1,000 00	100 00	.....	600 00	1,200 00	600 00	1,200 00
Henry C. Preuss.....do..	.....do.....	.....do.....	800 00	80 00	.....	480 00	900 00	450 00	930 00
O. B. Denham, messenger..	.....do.....	.....do.....	500 00	50 00	.....	300 00	500 00	250 00	550 00
				465 00	50 00	3,465 00	.....	3,700 00	7,165 00

The above persons have all been usefully employed during the year 1863. The services of none of them can be dispensed with without detriment to the public service; and the better dispatch of public business does not require the removal of any and the appointment of others in their stead.

JOS. G. TOTTEN, *Brevet Brigadier General and Col. Engineers.*

ENGINEER DEPARTMENT, *January 22, 1864.*



*Statement showing the names of persons employed in the bureau of Topographical Engineers during the year 1853, the time each was employed, and the amount of compensation paid them respectively.*

Names.	Office.	Period of service.	Compensation, per annum, from January 1 to June 30.	Percentage, net of August 31, 1852, to June 30.	Compensation, per annum, from July 1 to December 31.	Amount paid.	Place of residence when appointed.
George Thomson.....	Chief clerk.	January 1 to December 31.....	\$1,400 00	\$70 00	\$1,800 00	\$1,670 00	Georgetown, D. C.
Chas. Tschiffely.....	Clerk.....	January 1 to June 30.....	1,000 00	100 00	.....	600 00	Washington, D. C.
J. R. Dorsey.....	do.....	January 1 to December 31.....	1,000 00	100 00	1,200 00	1,200 00	Do.
Philip Harry.....	do.....	January 1 to December 31.....	1,000 00	100 00	1,200 00	1,200 00	Do.
E. M. Garnett.....	do.....	July 15 to December 31.....	.....	.....	900 00	408 42	Tallahassee, Fla.
George Thompson.....	Messenger..	January 1 to December 31.....	500 00	50 00	500 00	550 00	Washington, D. C.
G. W. Flood.....	Laborer.....	September 8 to December 31.....	.....	.....	380 00	113 00	Do.

All the persons embraced in this statement have been usefully employed, and their services cannot be dispensed with without detriment to the public service; nor is the removal of any, and the appointment of others in their stead, required for the better dispatch of business.

J. J. ABERT, Colonel Corps Topographical Engineers.

BUREAU OF TOPOGRAPHICAL ENGINEERS, February 15, 1854.

*List of clerks and messenger employed in the Ordnance Office during the year 1853.*

Names.	Classification.	Residence when appointed.	Time employed.	Amount paid.
<b><i>Clerks.</i></b>				
George Bender.....	4th class....	Dist. of Columbia .	Whole year.....	\$1,620 00
Morris Adler .....	3d class....	.....do.....	.....do.....	1,440 00
Samuel Rainey.....	2d class....	.....do.....	.....do.....	1,200 00
Wm. McDermott.....	.....do.....	.....do.....	.....do.....	1,200 00
J. P. Keller.....	.....do.....	.....do.....	.....do.....	1,200 00
Charles Slemmer.....	.....do.....	Pennsylvania .	.....do.....	1,200 00
N. W. Fales.....	1st class....	Maine .....	.....do.....	950 00
E. B. Irwin.....	.....do.....	Dist. of Columbia .	From May 30 to Dec. 31.	540 33
Alfred Herbert.....	.....do.....	Maryland .....	From Jan. 1 to May 27.	457 09
<b><i>Messenger.</i></b>				
Nathaniel Mullikin...	.....do.....	.....do.....	Whole year.....	550 00

H. K. CRAIG,  
*Colonel of Ordnance.*

ORDNANCE OFFICE, January 4, 1854.

*List of clerks and messenger employed in the office of Army Clothing and Equipage, during the year commencing January 1 and ending December 31, 1863.*

Names and office.	Amount of compensation.	Time employed.	Where born.	Whence appointed.	Amount paid.
James Warren.....chief clerk.....	\$1,550 00	The whole year.....	England.....	Pennsylvania.....	\$1,550 00
Edwin North.....clerk.....	1,000 00	.....do.....	Pennsylvania.....	Pennsylvania.....	1,000 00
George W. North.....do.....	950 00	.....do.....	Pennsylvania.....	Pennsylvania.....	950 00
George H. Crossman, jr.....do.....	600 00	From September 1 to December 31.....	.....	Pennsylvania.....	600 00
John Lawton .....messenger.....	540 00	From April 1 to December 31.....	Pennsylvania.....	Pennsylvania.....	540 00

The persons named in the above list have been actively and usefully employed. None can be dispensed with without detriment to the service; and it is not considered that the removal of any of them, and the appointment of others in their stead, is required for the better dispatch of the business of this office.

G. H. CROSMAN, *Major and Quartermaster.*  
Maj. Gen. T. S. Jesup, *Quartermaster General, Washington.*

OFFICE OF ARMY CLOTHING AND EQUIPAGE, *Philadelphia, January 19, 1864.*

*of persons employed in the Northwest Executive Building during the year 1853.*

Names and offices.	Period of service.	Rate of annual compensation.	Amount.	Aggregate compensation.
<i>Superintendents.</i>				
Wm. D. McPherson.....	January 1 to June 30...	*\$300 00	.....	\$150 00
Wm. Campbell.....	July 1 to December 31..	250 00	.....	125 00
<i>Watchmen.</i>				
Wm. Robinson.....	January 1 to June 30...	*600 00	\$300 00	550 00
	July 1 to December 31..	500 00	250 00	
Wm. Kurtz.....	January 1 to June 30...	*600 00	300 00	550 00
	July 1 to December 31..	500 00	250 00	
Wm. Douglas.....	January 1 to June 30...	*600 00	300 00	550 00
	July 1 to December 31..	500 00	250 00	
R. Dorsett.....	January 1 to June 30...	*600 00	300 00	550 00
	July 1 to December 31..	500 00	250 00	

\* Including 20 per cent. additional compensation, per act of August 31, 1852.

Statement exhibiting the names of the Superintendent and watchmen employed at the rented building at the corner of F and 17th streets, and the amount of compensation of each for the year 1853.

Names and office.	Residence when appointed.	Time employed.	Salary from January 1 to June 30, 1853.				Salary from July 1 to Dec. 31, 1853.		Total compensation for the year 1853.
			Salary per annum.	Additional 20 per cent, per act of August 31, 1852.	Additional 10 per cent, per act of August 31, 1852.	Amount paid.	Per annum.	Amount paid.	
James Eveleth, superintendent...	Dist. of Columbia.	The whole year.	\$250 00	.....	.....	\$125 00	\$250 00	\$125 00	\$250 00
W. McCarty, Jr., watchman....	New York.....	.....do.....	500 00	.....	.....	300 00	500 00	250 00	550 00
Thomas Grady.....do.....	Dist. of Columbia	.....do.....	500 00	50 00	.....	300 00	500 00	250 00	550 00
Wm. Hays.....do.....	Maryland.....	.....do.....	500 00	50 00	.....	300 00	500 00	250 00	550 00
John Kane.....do.....	Dist. of Columbia.	.....do.....	500 00	50 00	.....	300 00	500 00	250 00	550 00
				200 00	.....	1,325 00	.....	1,125 00	2,450 00

The above persons have all been usefully employed during the year 1853: the services of none of them can be dispensed with without detriment to the public service; and the better dispatch of business does not require the removal of any and the appointment of others in their stead.

JAMES EVELETH, Superintendent of Building.

Respectfully submitted,

Hon. JEFFERSON DAVIS, Secretary of War.

Washington, January 30, 1854.





MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*A copy of the correspondence in relation to the repair of the United States steam frigate Susquehanna at Rio de Janeiro.*

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FEBRUARY 24, 1854.—Read and ordered to be printed.

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*To the Senate of the United States:*

I communicate, herewith, a report from the Secretary of State, and the documents therein referred to, in compliance with the resolution of the Senate of the 13th instant.

FRANKLIN PIERCE.

WASHINGTON, February 23, 1854.

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DEPARTMENT OF STATE,  
*Washington, February 23, 1854.*

The Secretary of State, to whom was referred the resolution of the Senate of the 13th instant, requesting the President, if not incompatible with the public welfare, "to communicate to the Senate copies of the dispatch from the late minister plenipotentiary of the United States to Brazil to the Secretary of State, dated November 24, 1851, together with all the accompanying papers or documents which were sent therewith; and also a copy of the letter of the Secretary of State to the minister in reply thereto, and of the communication from the Navy Department which was enclosed in said letter of the Secretary of State," has the honor to lay before the President the papers mentioned in the subjoined list.

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

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*List of Enclosures.*

1. Mr. Schenck to Mr. Webster. Extract. September 25, 1851. (Accompaniments.)
2. Same to same, November 24, 1851. (Accompaniments.)
3. Mr. Webster to Mr. Schenck, January 21, 1852. (Accompaniment.)



No. 9.

*Mr. Schenck to Mr. Webster.*

[Extract.]

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, September 25, 1851.*

\* \* \* \* \*

I enclose herewith copies of four notes, (marked respectively D 9, E 9, F 9, and G 9,) exhibiting a correspondence with Commodore Aulick, and with the minister of foreign affairs, in relation to the facilities afforded by the government authorities here for the repair of the United States steam frigate *Susquehanna*. I have communicated to Commodore Aulick a copy of my note to the minister on the subject, and of the reply.

\* \* \* \* \*

I have the honor to be, sir, very respectfully, your obedient servant,  
 ROBERT C. SCHENCK.

HON. DANIEL WEBSTER,  
*Secretary of State.*

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D 9.

UNITED STATES STEAM FRIGATE *SUSQUEHANNA*,  
*Rio de Janeiro, September 15, 1851.*

SIR: The repairs required by this ship when we arrived here are now completed; and feeling under many obligations to the navy department of the Brazilian government for its prompt and very courteous tender, immediately on hearing we were in want of repairs, of all the facilities and aid within the control of the naval arsenal and engineers' department at this place, and for the very effective and satisfactory manner in which, through these means, our repairs have been accomplished. I am desirous, before departing hence, for our destination in the East India seas, that it should be made known to the governmental authorities here how highly the friendly spirit thus manifested by them is appreciated by me, and doubtless will be by our government, to whom I shall take pleasure in reporting it. I desire also to offer my thanks to the officers and others connected with the above establishments, and especially to the very estimable and attentive inspector, Captain Ignacio, and to the chief engineer, Mr. Grundy, and his assistant, Mr. Maylor, for the very obliging and efficient manner in which our requisitions upon them were uniformly complied with. I, therefore, respectfully request that you will be pleased to communicate the sentiments of this note to the Brazilian government in such manner as you may deem most suitable, to the end that they may become known to those referred to.

I have the honor to be, sir, your obedient servant,  
 J. H. AULICK,

*Com'g United States squadron East India and China seas.*  
 HON. R. C. SCHENCK,  
*United States Minister at the Court of Brazil.*

E 9.—No. 7.

## LEGATION OF THE UNITED STATES,

*Rio de Janeiro, September 15, 1851.*

SIR: I have to acknowledge the receipt of your letter of this date, informing me that the repairs required by the United States steamer *Susquehanna* are now completed; and requesting me to communicate to the imperial government here your high appreciation of the friendly spirit manifested by it, in furnishing you with all the facilities and aid, within the control of the naval arsenal and engineer's department at this port, and desiring that your thanks may be especially tendered to certain of the officers and agents of this government, who are particularly named in your communication.

I will have much pleasure in communicating to the Brazilian government a copy of your letter, through the minister and secretary of state for foreign affairs, with due acknowledgements in behalf of the government of the United States, for these civilities and acts of courtesy.

Very respectfully, your obedient servant,

ROBERT C. SCHENCK.

Commodore J. H. AULICK,

*Commanding U. S. Squadron East India and China seas.*

F 9.—No. 15.

## LEGATION OF THE UNITED STATES,

*Rio de Janeiro, September 16, 1851.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has great pleasure in communicating to H. E. Paulino José Soares de Souza, minister and secretary of state for foreign affairs, the enclosed copy of a letter received from Commodore John H. Aulick, of the United States navy, expressing his sense of the obligations conferred by the imperial government and its officers, in the facilities so kindly afforded him at the naval arsenal and engineer's department in this port, for the repair of the United States steam frigate *Susquehanna*; and requesting that his thanks may be especially tendered to certain of the official agents, whom he mentions by name.

The undersigned, in behalf of his government, unites most heartily with Commodore Aulick in this acknowledgement of the friendly civilities and courtesies of the imperial government, and of its officers and agents; and is happy in the confidence that such acts of kindness and mutual consideration, interchanged between the two nations, will continue to bind them more closely in the amicable relations which they now so happily maintain towards each other; and the undersigned avails himself of the occasion to renew to his excellency the assurances of his high respect and distinguished consideration.

ROBERT C. SCHENCK.

[Translation.]

G 9.

## DEPARTMENT OF FOREIGN AFFAIRS,

*Rio de Janeiro, September 17, 1851.*

The undersigned of the council of his Majesty the emperor, minister and secretary of state for foreign affairs, acknowledges the receipt of the note No. 15, which Mr. Robert C. Schenck, envoy extraordinary and minister plenipotentiary of the United States of America, addressed him on the 16th instant, as also of the accompanying copy of a letter from Commodore John H. Aulick.

The undersigned has read with pleasure, and is thankful for the expressions used both by Mr. Schenck and the commodore for the facilities afforded in the naval arsenal of this port, for the repairs required by the steam frigate *Susquehanna* of the United States. The government and the citizens of the United States will always find, on the part of the imperial government, the best disposition to be of any service in all that lies in its power.

The undersigned will comply with the wishes of Mr. Aulick, by forwarding his letter to the minister of the navy for translation, in order that the same may be communicated to the persons employed in the arsenal, of whom honorable mention is made in said letter, and he avails himself of this occasion to renew to Mr. Schenck the assurances of his perfect regard and distinguished consideration.

PAULINO JOSE SOARES DE SOUZA.

[Translation.]

A 13.

## DEPARTMENT OF FOREIGN AFFAIRS,

*Rio de Janeiro, October 15, 1851.*

In consequence of a communication from the minister of the navy of the 9th instant, I have the honor of enclosing to Mr. Robert C. Schenck, envoy extraordinary and minister plenipotentiary of the United States of America, a copy of the account for expenses incurred by the navy department, in the repairing of the steam frigate "*Susquehanna*," amounting to eleven million four hundred and two thousand, nine hundred and four reis.

Apprising Mr. Schenck that the above amount is to be paid to the navy department, as the aforesaid minister informs me, I avail myself of this occasion to renew to him the assurances of my perfect regard and distinguished consideration.

PAULINO JOSE SOARES DE SOUZA.

Mr. ROBERT C. SCHENCK, &amp;c.

[Translation.]

of expenses incurred by the Navy Department in works required by United States steam frigate *Susquehanna*, as shown by the accounts annexed, presented by the inspector of the naval arsenal of this in a communication dated the 25th instant, No. 372.

Nature of the expense.	Personel.	Materials.	Total.
<i>Mechanist.</i>	<i>Reis.</i>	<i>Reis.</i>	<i>Reis.</i>
costs of iron and other articles used in re- the machinery of said steam frigate, and competent manual labor, according to ac- c. 1. ....	567,076	5,679,168	6,246,244
<i>Construction and repairs.</i>			
timber, breakage, and competent manual according to account No. 2. ....	1,859,920	2,347,300	4,207,220
<i>Blacksmith.</i>			
coppering, iron, pins, etc., and competent manual labor, according to said account. ....	281,630	563,270	844,900
<i>Caulker.</i>			
materials furnished by the office, and hand labor. ....	11,900	23,800	35,700
<i>Painters.</i>			
necessary paints, and competent hand labor. ....	22,940	45,900	68,840
	2,743,466	8,659,438	*11,402,904

at rate of 1,000 reis to the dollar, United States currency, amounting to eleven  
four hundred and two dollars and ninety cents.

account amounts to the sum of eleven million four hundred and  
thousand nine hundred and four reis.

section of general accountant's office of the navy, October 1,  
The chief clerk,

AUGUSTO CEZAR DE CASTRO MÉNEZES.

copy :

JOAQUIN MARIA NASCENTES D'AZAMBUJA.

J 12.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,  
*Rio de Janeiro, November 24, 1851.*

In reply to the note, No. 23, of the 17th instant, in which Mr. Robert C. Schenck, envoy extraordinary and minister plenipotentiary of the United States of America, wishes that a person may be indicated to whom the commodore, commander-in-chief of the United States naval forces on this station, is to pay the amount of expenses incurred in the repairing of the steam frigate *Susquehanna*, I have the honor to state to Mr. Schenck that said commander may address himself, for that purpose, to the intendent of the navy, whose pay-clerk is fully authorized to receive the amount of the account aforesaid.

I avail myself of this occasion to renew to Mr. Schenck the expressions of my perfect regard and distinguished consideration.

PAULINO JOSÉ SOARES DE SOUZA.

No. 13.

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, November 24, 1851.*

SIR: I enclose herewith a mass of papers and correspondence, which will need little explanation beyond the story they tell for themselves. Perhaps you will deem it proper to refer them all to the navy department.

With my No. 9 I sent copies of the notes which were interchanged in relation to the facilities, courteously afforded by this government, at the imperial naval arsenal, for the repair of the steam frigate *Susquehanna* when she was in this port. It appears that the work which was required by Commodore Aulick was done, and the materials furnished by the public authorities at the arsenal, with the understanding that he would be charged only the actual first cost of them; but, for some unexplained reason, he went to sea, after his vessel was in condition to proceed upon her way to her station in the East Indies, without adjusting or paying the accounts. He seems not even to have examined or certified them in any way.

On the 15th of October last, the minister for foreign affairs, in consequence of an application to him from the minister of marine, addressed to me a note enclosing a summary of the accounts, amounting to eleven contos, four hundred and two mil, nine hundred and four reis, (11,402,904 reis.) This, however, was not done, as I have ascertained, and as will be seen by reference to my enclosed correspondence, until after a confidential inquiry had been made of Mr. Kent, our consul, to know whether he had any authority to pay the money. He, of course, had replied in the negative. I found, also, that no arrangement had been made with Mr. Ferguson, our naval storekeeper on this station, to enable him to meet the demand. Neither had I any power to draw on

naval account. But the credit of our government for punctuality and good faith was to be sustained; and I did not hesitate, therefore, to assure his excellency, the minister, that I would be supplied with funds for the purpose, as soon as I could communicate with my government at home.

In the meantime, the opportune arrival of Commodore McKeever from Buenos Ayres, enabled me to bring the whole subject to his notice; and, after considering the circumstances, he has promptly, and, as I think, very properly, determined to direct the payment to be made at once from the funds subject to his orders.

I am, very respectfully, sir, your obedient servant,

ROBERT C. SCHENCK.

HON. DANIEL WEBSTER,  
*Secretary of State.*

The copies of papers enclosed, with the above, are as follows :

- A 12. Note from Minister of Foreign Affairs, October 15, 1851, with account enclosed.
- B 12. My note to Consul Kent, October 16, 1851.
- C 12. The consul's reply, October 20, 1851, with his correspondence with the Intendente da Marinha.
- D 12. My note to Mr. Ferguson, United States naval storekeeper, October 16, 1851.
- E 12. Mr. Ferguson's reply, October 20, 1851.
- F 12. My reply to Minister of Foreign Affairs, October 27, 1851.
- G 12. My note to Commodore McKeever, November 10, 1851.
- H 12. Commodore McKeever's reply, November 17, 1851.
- I 12. My note to Minister of Foreign Affairs, November 17, 1851.
- J 12. Note from Minister of Foreign Affairs in reply to the above, November 24, 1851.

B 12.

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, October 16, 1851.*

SIR: I have been surprised to-day by a communication from the minister and secretary of state for foreign affairs of this government, enclosing an account against the United States of \$11,402, 904 rs., for materials furnished and work done in the repairing of the steam frigate *Susquehanna* at the naval arsenal in this city.

Can you give me any information on the subject? If you have learned, officially, or otherwise, why these charges were not adjusted by commodore Aulick, before he proceeded on his cruise, I will be glad to receive the explanation before I reply to the minister's note. To me the matter is a perfect mystery; but I have thought that perhaps you, or Mr. Ferguson, the naval storekeeper, to whom I have also addressed a note of inquiry, might have had some communication from the commodore about the business, or be in possession of some facts.

I am reluctant to believe that Commodore Aulick, after the facilities afforded him, so courteously, by the authorities here, for making his

repairs, can have gone off without providing in any way for the payment of the account for the work done and the materials furnished him.

That would be most culpable, as tending to the discredit of our government. But why should the minister of marine have the account sent through the foreign office to me?

I am, sir, very respectfully, your obedient servant,

ROBERT C. SCHENCK.

Hon. EDWARD KENT,

*United States Consul, Rio de Janeiro.*

C 12

CONSULATE OF THE UNITED STATES,

*Rio de Janeiro, October 18, 1851.*

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, asking me to communicate any information in my possession in reference to the claim against the United States, for materials furnished and work done in repairing the steam frigate *Susquehanna* at the marine arsenal of the imperial government in this city.

In reply, I beg leave to say that no communication from Commodore Aulick was made to me on the subject, and that I am entirely ignorant of the grounds or reasons which led him to adopt the determination to leave the accounts unsettled at the time of his departure. The only information I am able to communicate will be found in the enclosed documents, to wit, a copy (translation) of a letter from the intendente of marine to me, dated October 4, 1851, and a copy of my reply, dated October 6, 1851.

I am well aware that it is not my province to pass any judgment upon the propriety or correctness of the proceedings of Commodore Aulick. But I cannot withhold the expression of my regret that any difficulty or delay, in reference to the prompt payment of this claim, should arise. It gives me pleasure to say that, during my residence in this city, I have been made acquainted with several instances where prompt, efficient, and valuable aid and assistance has been rendered by the arsenal of marine of this government to vessels of war and of commerce of our country upon request of their commanders, and in every such case the reasonable charges made have been promptly paid.

Every instance of difficulty, or delay, or hesitation, in the adjustment and payment of such charges cannot but have an unfavorable effect upon the confidence heretofore extended, and, if often repeated, may lead to an entire withdrawal of confidence, and to a refusal to render any aid or perform any work for our countrymen.

Impressed with this view, I thought it my duty to express, in my letter to the intendente, in strong language, my confidence that the claim would be paid, as soon as the matter was brought to the knowledge of the proper department.

I have the honor to be, with great respect, your obedient servant,

EDWARD KENT.

Hon. ROBERT C. SCHENCK,

*Envoy Ex. and Minister Plen. of the United States, Brazil.*

*Translation of a letter from the Intendente da Marinha to the consul of the United States.*

October 4, 1851.

SIR: I have to request that you will inform me, confidentially, if by chance you are authorized to pay to this department of marine the expense of 11,402,904 reis, to which the repairs of the machinery and masts of the steamer-of-war *Susquehanna*, done by this arsenal, amount.

I avail myself of this opportunity to assure you of my high esteem and distinct consideration, and subscribe myself

Your obedient servant,

ANTONIO PEDRO DE CARVALHO.

To the CONSUL OF THE UNITED STATES.

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CONSULATE OF THE UNITED STATES,

*Rio de Janeiro, October 6, 1851.*

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant, requesting me to inform you confidentially if I am authorized to pay to the department of marine of the imperial government of this empire the amount of the expenses for the repairs upon the United States steamer of war *Susquehanna*, done at the arsenal of marine in this city.

In reply I am compelled to say, that I am not thus authorized, and that no communication on the subject has been made to me.

It is with equal surprise and regret that I learn from your communication that Commodore Aulick has sailed from this port without adjusting and paying the amount due for the repairs of the *Susquehanna*. I am not aware of the grounds upon which he would justify or excuse his course of proceeding. But I deem it due to my government to avail myself of this early opportunity to assure you, that I am certain that the government of the United States will promptly and unhesitatingly pay in full all the expenses of the repairs in question, and with the acknowledgments that are justly due to the imperial government and its officers for the facilities and kind assistance rendered by them as soon as the matter is brought to their notice through the proper channels of communication.

I avail myself of this opportunity to convey to you the assurance of my consideration and esteem.

EDWARD KENT,  
*United States Consul.*

To EXMO. Sr. ANTONIO PEDRO DE CARVALHO,  
*Capitao de Mar e Guerra da Armada Imperial.*  
*Digerissimo Intendente da Marinha.*



D 12.

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, October 16, 1851.*

SIR: I have received to-day from the minister and secretary of state for foreign affairs of this government, a communication enclosing an unpaid account against the United States of \$11,402 904 reis, for materials furnished and work done at the naval arsenal in this city, in repairing the steam frigate *Susquehanna*, while she was in this port.

This greatly surprises me. Can it be possible that Commodore Aulick has had this work done, and then proceeded upon his cruise, without paying for it or making any arrangement for the adjustment of the account?

Before replying to the minister of foreign affairs, or seeking any explanation from the government authorities here, I desire to know whether you can give me any information on the subject. And particularly I wish to ascertain if you know on what pretence or excuse Commodore Aulick has left these accounts unsatisfied. Whether he had any disagreement as to the amount; made any provision, through you, for the payment; or did he have any communication with you, or give you any information in regard to the matter.

I am, very respectfully, your obedient servant,

ROBERT C. SCHENCK.

JAMES FERGUSON, Esq.,

*U. S. Naval Storekeeper, Rio de Janeiro.*

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E 12.

RIO DE JANEIRO, *October 20, 1851.*

I had the honor to receive your excellency's letter of the 16th on the 18th instant.

In this letter you are pleased to inform me that the minister and secretary of state of foreign affairs of this government has made you a communication, enclosing an unpaid account against the United States of 11,402,904 reis, for materials furnished and work done at the national arsenal in this city, in repairing the steam frigate *Susquehanna* while she was in this port; and to express your astonishment that Commodore Aulick should have had this work done, and then proceeded on his cruise, without paying for it, or making any arrangement for the adjustment of the account.

Your excellency is also pleased to add that, "before replying to the minister of foreign affairs, or seeking any information from the government authorities here, I desire to know whether you can give me any information on the subject, and particularly I wish to ascertain, if you know, on what pretence or excuse Commodore Aulick has left these accounts unsatisfied; whether he had any disagreement as to the amount; made any provision through you for payment, or did he have any communication with you, or give you any information, in regard to the matter?"

And, in reply, I beg leave respectfully to state that, until I received your excellency's letter, I was unacquainted with the amount charged against the United States on account of the repairs made to the steam frigate *Susquehanna* at the arsenal, and fully participate in the surprise expressed by your excellency, that Commodore Aulick should have proceeded on his cruise without making an arrangement for the settlement of this charge, *now*, that I understand from your letter, that the first intimation you have of this fact is received officially from this government.

The information which, agreeably to your desire, I shall have the honor to communicate, will explain why my feeling in this matter should be quite equal to your own.

Just previous to the departure of the *Susquehanna* from this port, a few days only, but after all the assistance required from the arsenal had been rendered, Commodore Aulick, in a conversation I had with him, principally on the subject of the ship's accounts, expressed a most anxious desire to get to sea, and deprecated, in very earnest terms, any delay in their speedy settlement, as he was determined to go to sea on such a day—naming an early day—whether the accounts were settled or not. Finding him in this temper, I availed myself of the occasion to say to him, that the quarter from which most delay was to be apprehended was the arsenal, and that the people there should be urged to send in their bills at once. As to the arsenal, he observed, that he, Commodore Aulick, had applied to the captain superintendent (the inspector, I presume, he meant) for the accounts, who had informed him, Commodore Aulick, that with the accounts he, the captain superintendent, (meaning the inspector,) had nothing to do; that the diplomats would settle that business. Whether Commodore Aulick followed up his requests for the accounts in other quarters, I do not know, but as, in speaking of the accounts subsequently, he made no reference to the arsenal, I presumed that, acting on the answer of the captain superintendent, or inspector, he had officially communicated with you, as the only accredited channel through which the accounts could be settled, agreeably to the universally received meaning of such an answer as he said he had received from the officer above mentioned, and that, consequently, everything relating to the arsenal had been satisfactorily arranged.

Consistently, therefore, with the honor of Commodore Aulick, the only reason I can imagine for his leaving the accounts with this government unsettled is, that he considered, conscientiously considered, the declaration of the inspector or superintendent as conclusive upon that question, so far as he was personally concerned; or that he seriously believed that the Brazilian government, measuring its obligations to the United States by his own favorite standard, the public civilities shown their envoy, had decided that what had been rendered was only a proper return for what had been received, and, by referring the matter of the accounts to diplomatic agency, had impliedly dropped it as a money affair.

Having thus given your excellency all the information I possess in the matter of the claims made on the United States, for material furnished and work done at the national arsenal on account of the steam

frigate *Susquehanna*, which I never had the slightest connection with, and for which no provision was made, or ever proposed to be made, through me, it may be proper to add, that all the claims, otherwise, on account of the *Susquehanna*, amounting to 13,134,000 reis, to the payment of which I stood pledged, have long since been satisfied, except in two instances, amounting to about 800,000 reis, and which the parties can receive whenever they choose to call for it.

I remain, sir, with great respect, your most obedient servant,  
JAMES FERGUSON.

To His Excellency ROBERT C. SCHENCK,  
*Minister Plenipotentiary, &c., &c., near the Court of Brazil.*

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No. 18.—F 12.

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, October 27, 1851.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to acknowledge the receipt of the note addressed to him by H. E. Paulino José Soares de Souza, of the council of his Majesty the emperor, minister and secretary of state for foreign affairs, dated the 15th instant, enclosing a copy of the account from the department of marine, for the expenses incurred in the repairing of the steam frigate *Susquehanna*, amounting to eleven contos, four hundred and two mil, nine hundred and four reis.

The undersigned has been surprised to learn that Commodore Aulick left this port and proceeded on his cruise with the frigate without having first adjusted and paid this account, or made provision for its payment; and he regrets that any delay in the settlement must consequently take place. But having no authority to draw bills on the proper department in the United States, or on the bankers of the United States in London, as that officer could have done, for work done and materials furnished on naval account, the undersigned can only refer the matter to his government at home. This shall be done without delay; and the undersigned does not doubt that as soon as he can communicate with his government and obtain a reply, he will be supplied with the funds necessary for the full discharge of the amount due.

Requesting that this may be communicated to his excellency the minister of marine, the undersigned avails himself of the occasion to renew to his excellency the assurances of his high respect and distinguished consideration.

ROBERT C. SCHENK.

G. 12.

LEGATION OF THE UNITED STATES,  
Rio de Janeiro, November 10, 1851.

SIR: I received, on the 16th ultimo, a note from the minister and secretary of state for foreign affairs of this government, enclosing to me, from the department of marine, a copy of an unpaid account of \$11,402,904 reis, due for materials furnished and work done at the imperial naval arsenal, in repairing the United States steam frigate *Susquehanna*, lately in this port on her way to the East Indies.

Commodore Aulick, for some reason which I do not understand, proceeded on his cruise after these repairs were completed, without settling or paying the bills for them. The charges, I have no doubt, you will find are reasonable and fair, being no more, as it is understood, than the original cost of the materials and labor furnished; but the accounts do not appear to have been audited by Commodore Aulick, or by any one representing him or the interests of our government, nor are they certified in any way by him. It is not possible to have this done now, and regarding the faith and credit of our government as pledged for the payment, I have assured the minister for foreign affairs, in my note in reply to his, that I did not doubt that I would be supplied with the funds necessary for a full discharge of the account.

Under the circumstances, if I had had credit on account of our government, or authority to draw bills for indebtedness on naval account, I would have made the payment at once. Not having this in my power, my purpose has been to refer the matter to the government at home; but if that be done, there must ensue a delay of some months, discrediting to our promptness, if not to our good faith.

Your expected arrival here, at this juncture, has induced me to wait, and first to submit the accounts and my correspondence with the minister to you, in the hope that you will feel authorized, in the exercise of your right as commander-in-chief of our naval force on this station, at once to discharge the claim.

You will find the papers enclosed for your examination.

I have the honor to be, very respectfully, your obedient servant,

ROBERT C. SCHENCK.

Commodore ISAAC McKEEVER,

*Commanding U. S. Naval Forces, Brazil Station, Rio de Janeiro.*

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H 12.

U. S. FRIGATE CONGRESS,  
Rio de Janeiro, Nov. 17, 1851.

SIR: I have examined the papers forwarded under cover of your communication of the 10th instant, and beg to state in reply, that, under the circumstances, I am prepared to give the necessary orders for the payment of the bills for repairs and materials furnished the "*Susquehanna*," amounting to 11,402,904 reis which were left unpaid by Commodore Aulick.

Will you be pleased to inform me to what officer of this government the amount is to be paid?

I return herewith the papers on the subject, and have the honor to be, with all respect, your obedient servant,

I. McKEEVER,

*Commanding U. S. naval forces, Brazil station.*

Hon. R. C. SCHENCK,

*Envoy Ex. and Min. Plenipotentiary United States, &c.*

No. 23.—I 12.

LEGATION OF THE UNITED STATES,

*Rio de Janeiro, November 17, 1851.*

It affords me much satisfaction to inform H. E. Paulino José Soares de Souza, of the council of his Majesty the emperor, minister and secretary of state for foreign affairs, that Commodore Isaac McKeever, the commander-in-chief of the United States naval forces on the Brazilian station, having arrived in this port, I have brought the account from the department of marine, for the repairs done to the steam frigate "Susquehanna" to his notice, and it is determined that it shall be discharged without the delay which would attend the waiting to hear from the government at Washington.

As soon, therefore, as his excellency, the minister of marine will indicate the officer or person to whom the 11,402,904 reis is to be paid, and who is authorized to receive the same, and give the necessary receipts or vouchers, Commodore McKeever will direct the payment to be made.

I avail myself of the occasion to renew to his excellency the assurances of my high respect and distinguished consideration,

ROBERT C. SCHENCK.

No. 13.

*Mr. Webster to Mr. Schenck.*

DEPARTMENT OF STATE,

*Washington, January 21, 1852.*

SIR: Your dispatch relative to the repairs on the steam frigate *Susquehanna* at Rio, having been referred to the navy department, I transmit a copy of a letter on the subject, addressed to this department by the Secretary of the Navy.

I am, very respectfully, your obedient servant,

DANIEL WEBSTER.

ROBERT C. SCHENCK, esq., &c.

NAVY DEPARTMENT,  
*January 13, 1852.*

SIR: I have the honor to return, enclosed herewith, the communication of the representative of our government at the imperial court of Brazil, addressed to the Department of State, in reference to the repair of the United States steam frigate *Susquehanna*, and referred to this department for perusal, and to tender my acknowledgments for the favor.

The conduct of the representative of our government in relation to the repairs of the *Susquehanna*, and of the commander-in-chief of the United States naval forces on the Brazilian station, in his prompt determination to direct payment to be made for said repairs, at once, from the funds subject to his orders, is entirely satisfactory to this department and receives its approbation.

I have the honor to be, with high respect, your obedient servant,  
WILL. A. GRAHAM.

HON. DANIEL WEBSTER,  
*Secretary of State.*



## MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*in accordance with a resolution of the Senate, copies of all communications from the American Legation at Constantinople, respecting the seizure of Martin Koszta by the Austrian authorities at Smyrna.*

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1854.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

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*Senate of the United States:*

submit to the Senate a report of the Secretary of State, with accompanying documents, in compliance with their resolution of the 2d

FRANKLIN PIERCE.

WASHINGTON, March 1, 1854.

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DEPARTMENT OF STATE,  
*Washington, February 28, 1854.*

Secretary of State, to whom has been referred the resolution of the Senate of the 2d instant, requesting the President "to communicate to the Senate, if not incompatible with the public interest, copies of all communications from the American legation at Constantinople, respecting the seizure of Martin Koszta by Austrian authorities at Smyrna," in honor to lay before the President a copy of the documents referred to by the resolution and specified in the accompanying list.

Respectfully submitted.

W. L. MARCY.

PRESIDENT OF THE UNITED STATES.



*List of documents accompanying the report of the Secretary of State to the President, of the 28th February, 1854.*

Mr. Brown to Mr. Marcy, (with enclosures,)	No. 41, June 28, 1853.
Do. do. do.	" 42, July 5, "
Mr. Marsh to Mr. Marcy,	" 43, " 7, "
Do. do. (extract,)	" 45, " 11, "
Do. do. do.	" 47, " 25, "
Do. do. do.	" 48, Aug. 4, "
Do. do. (with enclosures,)	" 50, " 17, "
Do. do. (with enclosure,)	" 54, Sept. 13, "
Do. do. do.	" 55, " 14, "
Mr. Brown to Mr. Marcy,	" 23, "
Mr. Marsh to Mr. Marcy, (with enclosures,)	Oct. 3, "
Do. do. (extract,)	" 59, " 15, "
Do. do. (with enclosures,)	" 60, " 20, "
Do. do. do.	" 62, Nov. 5, "
Do. do. do.	" 65, Dec. 14, "

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No. 41.

*Mr. Brown to Mr. Marcy.*

LEGATION OF THE UNITED STATES,  
*Constantinople, June 28, 1853.*

SIR: I have the honor to enclose copies of three letters relating to the apprehension of a Hungarian emigrant to the United States, named Martin Koszta, by a number of Greek ruffians, in the streets of Smyrna, and his imprisonment on board an Austrian brig of war, now in that port, under circumstances so outrageous and inhuman, that I am sure they will excite the indignation of the government and people of the United States, as strongly as they have of all the inhabitants of Smyrna and Constantinople.

The brutal conduct of the Austrian consul will, I trust, be disavowed by the minister at this capital; but I doubt whether the unappeasable thirst for the blood of the unfortunate Hungarian will permit him to do justice to my intercession in favor of the present victim.

I will not add how much is my execration for a government whose principles lead to such ends, nor how warmly I shall use all the means in my power to save the life of one who, though not wholly a citizen of the United States, nevertheless has strong claims upon my official interference in behalf of his existence.

I have as yet received no reply from the Austrian minister to my letter.

I have the honor to be, sir, with great respect, your obedient servant,  
JOHN P. BROWN.

Hon. WM. L. MARCY,  
*Secretary of State of the United States.*

P. S.—I am enabled also to enclose copy of the internuncio's reply.

A.

UNITED STATES CONSULATE,  
*Smyrna, June 24, 1853.*

SIR: I have the honor of laying before you the following occurrence.

Mr. Martin Koszta, one of the Hungarian refugees, who was in Governor Kossuth's suite on leaving Turkey for the United States, arrived here a few months since from New York, on the afternoon of the 21st instant; while he was seated on the marina he was seized by a band of armed men, without the concurrence of the local authority, and after having been treated in the most brutal manner, they threw him into the sea, where a boat was in waiting, and took him on board of an Austrian brig of war. This arbitrary act was done by the order of the Austrian consul.

Several deputations called on me, stating that Koszta had an American passport. I applied to the governor, informing him of the occurrence, stating that if the man had really an American passport, he was entitled to the protection of the United States; and under this supposition I requested him to have Koszta delivered up to me. The governor gave no definite reply, but intimated that he would refer the matter to Constantinople. This occurred on the night of the 21st. I continued my investigations to see if he really had an American passport, which I found not to be the case; the only document he had being a legalized copy of a declaration he had made in New York, under date 31st July, 1852, declaring his intention to become an American citizen.

On the morning of the 22d, the United States corvette, *St. Louis*, came in sight; and I thought proper to await her arrival before taking any further steps; and when she had come in, in the afternoon, I went on board and related the circumstance to Captain Ingraham, and, accompanied by him, proceeded to the Austrian brig, and interrogated Koszta on what grounds he claimed American protection, and if he had a passport. He replied that he had none, and had only the declaration already referred to, which, of course, deprived us of all right of claiming his release.

The European population is quite indignant at the conduct of the Austrian consul, and the emigrants are greatly agitated; threats and imprecations were made against the officers of the consulate and the brig.

Yesterday evening two of the officers of the brig went to a coffee-house, and it is said they were warned of the rumors spread in town, in regard to the threats of the refugees. A short time after, several of the refugees entered the place and attacked them; both of whom were wounded, and one of them was found dead this morning.

Then it is clear that Koszta is not an American citizen, but it is certain he is a refugee, living in a foreign land, and has renounced all allegiance to the emperor of Austria, and has declared on oath his intention of becoming a citizen of the United States.

It is true that the refugees who left with the *Mississippi* were not, according to the convention betwixt Turkey and the European powers to return here; but Koszta's return, contrary to the convention, does not give Austria the right to act as she has done; and all she had the

right to do, was to demand from the Turkish authority his expulsion from this country, and it was only Turkey who had the right of interfering with him.

The precarious state of the refugees residing here has been greatly increased by these doings, and I have considered it my duty to lay the case before you, (the other consuls have also written to their embassies on the same subject,) so that you may take those steps which you consider proper for the release of said Koszta, and for the future protection of those other unfortunate exiles who are in this land.

I have the honor to be, sir, your obedient servant,

JOHN GRIFFITH, *for the Consul.*

J. P. BROWN, Esq.,

*U. S. Chargé d'Affaires, ad interim, Constantinople.*

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B.

LEGATION OF THE UNITED STATES,  
*Constantinople, June 27, 1853.*

SIR: I have received your letter of the 24th instant, respecting the outrageous and inhuman conduct of the Austrian consul, of your city, towards the Hungarian refugee, Martin Koszta, who, though not possessing the full rights of a citizen of the United States, has, nevertheless, by the oath of allegiance which he has taken to the government of the United States, claims upon your friendly aid and intercession. I have addressed a letter to the internuncio, in which, after expressing my opinion freely of the barbarous conduct of the consul, interceded for Martin Koszta's immediate release from the brig-of-war and return to the United States.

I have to request that you will continue your officious intercession in behalf of Martin Koszta, both to the Austrian consul and the commander of the "Hussar." Whilst I deplore the melancholy occurrence, which resulted in the death of the young officer of the brig, I cannot but attribute it to the very inconsiderate and unaccountable conduct of the consul. I should have supposed that the neutral soil of the sultan would have demanded more respect from the Austrian consul; and though the victim, unfortunately, does not possess a passport of the United States, yet his declaration of allegiance to their government, merits the regard of the American consulate, and your friendly sympathy.

The act of the Austrian consul has, very naturally, excited the indignation of the inhabitants of Smyrna, as it has of every one here. The effect, everywhere, which it will make, will be most unfavorable to the Austrian government, and nowhere less than in the United States.

No convention was made, as you apprehend, apparently, between the government of the United States and the Porte, that the refugees should not return here; nor do I know of any between them and the Porte.

I have the honor to be, &c.,

JOHN P. BROWN.

EDWARD S. OFFLEY, Esq.,

*U. S. Consul, Smyrna.*

## C.

LEGATION OF THE UNITED STATES,  
*Constantinople, June 27, 1853.*

I have the honor to address your excellency on the subject of a most unfortunate occurrence, which, I am informed by the consul of my government in Smyrna, took place there on the 23d instant, and which very deeply deplore, inasmuch as it resulted in the death of a young officer of the Austrian navy, who has thus, most probably, without, in any manner, having been the cause of the unwarranted attack made upon himself and his companions in Smyrna, been the victim of the most inconsiderate and unaccountable conduct of the Austrian consul of that city, towards an individual named Martin Koszta. This person, at the present moment incarcerated on board the Austrian brig-of-war "Hussar," now at Smyrna, is, I believe, one of the Hungarian refugees, who had been detained at Kutahieh. Together with others, he was permitted to leave this country in 1851; and he proceeded with them to the United States, where he took the preliminary steps towards becoming a citizen of the United States—that is, he made a formal renunciation of all allegiance to any other power or sovereign whatever, and took the usual oath of allegiance to the government of the United States. A few months since, Mr. Koszta came to Smyrna, from New York, with the design of again proceeding to the United States. In the afternoon of the 21st instant, whilst seated on the marina of Smyrna, he was suddenly set upon by some fifteen ruffian Greeks, all armed, said to have been employed, for that purpose, by the Austrian consul; and, after having been treated in the most brutal manner, was thrown into the sea, where a boat was in waiting to receive and conduct him to the Austrian brig-of-war "Hussar."

Mr. Koszta, on leaving the United States, received a legalized copy of the declaration which he had made there of allegiance to the government of the United States, and which document, under ordinary circumstances, would recommend him to the friendly aid and consideration of American authorities. It cannot be conceived how this individual's temporary residence in the city of Smyrna could possibly excite the animosity of the Austrian consul to such a degree as to cause him, at a moment when he evidently had no reason to apprehend such an outrage, and to have him conveyed, in an ignominious manner, on board an Austrian vessel-of-war. It seems to me rather, that in case his residence there incommoded the Austrian consul, the latter, at the most, could have called upon the local authorities to require his departure; and not by an act of so outrageous and inhuman a nature excite the indignation of the inhabitants of Smyrna, as I do not doubt it will of the people of the United States.

Permit me, therefore, to intercede with your excellency in behalf of Mr. Koszta, and to ask, if not out of the respect due for the government of the Sultan, whose territory has been so grossly violated by the conduct of the Austrian consul of Smyrna, at least out of regard for the government to which he has pledged his allegiance, that you be pleased to give orders to the commander of the "Hussar" for his immediate release, so that he may proceed to the United States.

I avail myself of the present opportunity of offering to your excellency assurances of my highest respect, and most distinguished consideration.

JOHN P. BROWN.

Mons. L'INTERNONCE.

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[Translation.]

BUYUKDERE, June 27, 1853.

MONSIEUR LE CHARGE D'AFFAIRES: By your communication of this day, you ask, monsieur le chargé d'affaires, for the release of one Martin Koszta, who was arrested by the consulate general of Austria, at Smyrna, on the 22d instant.

I can only attribute this intervention on your part, sir, to some mistake; seeing that the individual in question is a native of Hungary, and that he has never ceased to be a subject of Austria, as it is proved by his declaration made in the presence of the consul of the United States, established at Smyrna. His arrest, therefore, has been effected in virtue of treaties, which secure to my government the full and complete independence of its jurisdiction over all its native subjects (nationaux) in Turkey.

You will easily understand, therefore, monsieur le chargé d'affaires, the utter impossibility in which I find myself to comply with the request you have just expressed to me, in your communication aforesaid.

Please to accept, monsieur le chargé d'affaires, the assurance of my most distinguished consideration.

D. BRUCK.

Mr. BROWN,

*Chargé d'affaires of the United States of America, &c.*

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No. 42.

*Mr. Brown to Mr. Marcy.*

LEGATION OF THE UNITED STATES,  
*Constantinople, July 5, 1853.*

SIR: I had the honor in my last dispatch, No. 41, June 28, to inform the department of the arrest of the Hungarian emigrant, Martin Koszta, by the Austrian consul of Smyrna, by means of a number of hired Greek ruffians, and of his incarceration on board an Austrian brig-of-war, in the harbor of that place. I enclosed a copy of my letter on the subject to the Austrian internonce (minister) in behalf of Koszta, one of his reply, and one of my rejoinder to his excellency.

I would now request leave to state that the news of this transaction reached here on the 26th ultimo, and on the morning of the 27th I sent my letter, of that date, to the internonce. I also wrote a letter of instructions to the consul of the United States at Smyrna, of the same date, copy of which (No. 1) is here enclosed, requiring him to continue

to claim Koszta's release by the Austrians. On a subject of so much interest, I had hoped to have been favored with an early reply by the internonce; but in this I was disappointed, and only received an answer in the evening of the 29th, pre-dated on the 27th of June. I had, however, availed myself of the mail of the afternoon of the 28th, to write freely my opinion of the matter to Commander Ingraham, then at Smyrna, in the United States corvette St. Louis, (inclosure No. 2,) in which I stated that if I thought he would be governed by my instructions, as acting representative of the United States, at this place, they would be to demand Koszta's release on the ground of his expatriation by Austria, and of his oath of allegiance to the government of the United States; and, in case of a refusal to take him out of the Austrian vessel.

The silence of the internonce from the 27th to the 29th, was evidently intentional, with the view of leaving me in doubt as to his decision on my intercession in behalf of the sufferer; as he had, in the meantime, sent positive orders to the Austrian consul at Smyrna to have Koszta removed from the brig-of-war to an Austrian Loyd's steam packet, which left here on the evening of the 27th, so as to be conveyed, at once, to Trieste, there, doubtless, to meet the fate of so many others of the unfortunate Hungarians who took part in the struggle of 1848-'49. The enclosure of my dispatch, No. 41, will have made the department acquainted with my answer to the internonce's refusal to accede to my intercession. I, at that period, did not possess a copy of Koszta's declaration of allegiance; but having its date, I filled one up with it, and sent it to the internonce. Another Hungarian emigrant, to the United States, now under the protection of the legation, at this place, is possessed of a similar document, with another from a public notary of the State of New York, and a passport given him by the United States legation at London, stating in French, "*qui a déclaré son intention de devenir citoyen des Etats Unis.*" That from the public notary of New York appeared to me to show, more distinctly, Koszta's right to the protection of all American authorities, especially to this *third* and *neutral* country as an "affiliated citizen." I also communicated a copy of it to the internonce. Copies of these documents are herein enclosed (Nos. 3 and 4.)

To my letter to the internonce of the 29th, I received no reply, his excellency, doubtless, believing that in conformance with the instructions which he sent to Smyrna, Koszta had already been removed from the brig to the Austrian steamer, and sent to Trieste; and that he might therefore be indifferent to my remonstrances. However, on the 3d of July, his excellency learned from Smyrna, that his plan had been thwarted by Commander Ingraham, who having been made acquainted with the design of removing Koszta during the night, had placed the corvette under his command, in such a position, between the brig and the steamer, as to render the removal of the prisoner difficult without his knowledge of the fact. This secret design was also in bad faith towards Consul Offley, whose report (No. 5) shows that the Austrian consul of Smyrna had agreed with him to defer any action in the premises, until the arrival of the next steamer from Constantinople, which

would enable them to hear again on the subject from their respective legations.

The object of the next letter to me, of the Austrian internonce of the 3d of July, was to complain against the hostile position assumed by Commander Ingraham, against the secret removal of Mr. Koszta, and to induce me to cease all further intercession in his behalf. To cover his discourtesy and silence towards me from the 29th of June, he stated in his letter, that he had written to me *two* letters, one on the 27th, and another on the 30th of June! As the assertion respecting the pretended letter of the 30th was certainly incorrect, (at least no letter of that date had reached me,) I replied to his excellency in a tone of dissatisfaction with this course of procedure, by my letter enclosed, No. 6, of the same day (July 3.) His excellency now sent me (soon after receiving mine) a letter enclosing one dated the 30th, purporting to be a duplicate of the one which he wished me to believe he had actually written, but which I had never received.

On the 5th instant, the date of my present dispatch, I received the reports of Consul Offley and Commander Ingraham, (Nos. 7 and 8,) informing me of their success in compelling the brutal consul of Austria at Smyrna, to renounce the design of conveying his intended victim to Trieste, and of his having been delivered into the hands of the French consul at Smyrna, in whose hospital he now remains.

I have no doubt that Commander Ingraham warmly sympathized with me, in my desire to save, if possible, the life of Mr. Kostza; yet, I also apprehend, that had he not received my letter of the 28th, he would not have taken the decisive and firm steps which he did to effect it. By my letter of instructions (if indeed it can be so called), he has been apparently governed; and the responsibility of his conduct will, consequently rest greatly with myself. If the course pursued in this matter should, unfortunately, not meet with your approbation, I naturally expect, and would respectfully and earnestly request, the department to permit it, with its consequences whatever they may be, to remain with me only.

In conclusion, I would also respectfully represent that Mr. Martin Costa, or *Koszta*, is one of the refugees from Hungary in 1849; that after sustaining a painful detention at Kutuhieh until 1851, he was expelled and banished from Turkey, on the demand of Austria, and that thus, exiled and expatriated, he sought a new country and a new home in the United States. There he made a formal renunciation of all allegiance to any other power or sovereign whatever, and took the usual oath of allegiance to the government of the United States. He remained there one year and eleven months, and then, for a temporary and private purpose, he embarked in an American merchant vessel for Smyrna, where he procured a *tezkerah* or Turkish passport, through the United States consul to visit this place. When after a short stay here, he was desirous of returning to Smyrna for the purpose of re-embarking in an American vessel for New York, he received another similar Turkish passport from this legation.

Under all ordinary circumstances, the declaration of his allegiance to my government, and his continuance in the design of becoming an

**A**merican citizen, would recommend him to my aid and protection here. He could certainly appeal to no other official authority in this empire, for the one or the other. From the Austrian authorities he could only expect an ignominious death for the crime of devotion to his native country in 1848—whose sad fate has called for no warmer sympathy anywhere, than among the friends of liberty in my own country. Here some nationality is necessary to every foreigner. Mr. Koszta possessed none other than that which he had acquired by his allegiance to my country, and his residence at New York of nearly two years. Thus far, he had enjoyed the protection of my government through its consulate at Smyrna and legation at this capital, without any one having either denied his right to receive it, or theirs to give it to him. The brutal conduct of the Austrian consul at Smyrna, in employing a band of assassins to seize an unoffending man, and to have him conveyed in an ignominious manner on board of a vessel-of-war of his government, excited my indignation, as it did of every person here and in Smyrna—even of the Austrians. Once on board an Austrian brig-of-war, and loaded with fetters, he could look to no relief from his persecutors but in death; unless the representatives of the country to which he had pledged his allegiance would continue to him the aid and protection which he had enjoyed from it since his arrival in Turkey.

I therefore believe, sir, that in the decision I took to save Mr. Koszta's life, if possible, I endeavored to do my duty to humanity and to my country; and that my conduct will consequently receive your approval. The peculiar position in which he was placed, by his past history, the illegal form of his arrest, the violence used in his detention, the neutral soil of Turkey from on which he was seized, and his *rights* to my protection, such as they were, form the basis of my action. I am confident that the success of the means used by Commander Ingraham will be applauded by every one here, and tend to elevate the character of my country in this distant land, as well as increase the usefulness of its legation, an object which I have always much at heart.

I learn that it had been the design of the Austrian government to avail itself of the present embarrassed political position of the Porte to have as many of the Hungarian and Italian refugees as it could seize, arrested somewhat in the manner adopted against Kostza, and sent to Trieste in the same brig-of-war in which he had been confined; but that its ill success and public indignation excited by this first essay, has arrested the whole procedure, and probably been the means of saving the lives of many other inoffensive individuals. In the view of serving the refugees at Smyrna and Constantinople, I called upon the British and French ambassadors, to invoke their benevolence in their favor. I may add that the Ottoman government does not admit that the Austrian government has the right of arresting political offenders in Turkey; nor that, by any treaty stipulations, it may arrest its own subjects by the means it used to seize upon Mr. Kostza.

I have the honor to enclose No. 9, copy of my instructions to the consul of the United States at Smyrna, on this subject, and hope they will merit your approbation.



I have the honor to be, sir, with great respect, your obedient servant,

JOHN P. BROWN.

HON. WILLIAM L. MARCY,  
*Secretary of State of the United States.*

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*A list of documents enclosed in dispatch No. 42, from John P. Brown.*

- No. 1. J. P. Brown to consul Offley, June 27, 1853.
- No. 2. J. P. Brown to commander Ingraham, June 28, 1853.
- Nos. 3 and 4. Documents of naturalization, Martin Koszta.
- No. 5. Consul Offley to J. P. Brown, June 30, 1853.
- No. 6. J. P. Brown to Austrian internonce, July 3, 1853. J. P. Brown to Austrian internonce, June 29. Austrian internonce to J. P. Brown, July 3, 1853. J. P. Brown to Austrian internonce, July 4th, United States consul, at Smyrna, to J. P. Brown, June 27, 1853.
- No. 7 and 8. Commander Ingraham to the minister resident, (absent,) July 4th, 1853, including his note to Austrian commander of the Hussar of June 28, 1853; ditto to ditto, June 2, 1853; and reply of Austrian commander to Commander Ingraham, July 2, 1853.
- No. 9. J. P. Brown to consul Offley, July 1, 1853.

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*John P. Brown to Ed. S. Offley, United States consul at Smyrna.*

JUNE 27, 1853.

SIR: I have received your letter of the 24th instant, respecting the outrageous and inhumane conduct of the Austrian consul of your city towards the Hungarian refugee, Martin Koszta, who, though not possessing the full rights of a citizen of the United States, has, by the oath of allegiance which he has taken to the government of the United States, nevertheless, claims upon your friendly aid and intercession. I have addressed a letter to the Austrian internonce, in which, after expressing my opinion freely of the barbarous conduct of the consul, interceded for Mr. Koszta's immediate release from the brig, so that he may proceed to the United States.

I have to request that you will continue your officious intercession in behalf of Martin Koszta, both to the Austrian consul of Smyrna, and the commander of the "Hussar."

Whilst I deplore the melancholy occurrence which resulted in the death of the young officer, I cannot but attribute it to the very inconsiderate and unaccountable conduct of the consul. I should have supposed that the neutral soil of the Sultan would have demanded more respect from the Austrian consulate; and though its victim, unfortunately, does not possess a passport of the United States, yet his declaration of allegiance to their government merits the regard of the American consulate and your friendly sympathy.

The act of the Austrian consul has, very naturally, excited the indignation of the inhabitants of Smyrna, and it has also that of every one here. The impression which it will make everywhere, will be most unfavorable to the Austrian government, and certainly nowhere less so than in the United States. No convention was made, as you suppose, between the government of the United States and the Porte, that the refugees should not return here; nor do I know of any between the Porte and them.

I have the honor, &c.,

JOHN P. BROWN.

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LEGATION OF THE UNITED STATES,

*Pera, June 28, 1853.*

DEAR SIR: I send you a copy of my letter to the Austrian inter-muncio (minister) on the subject of the detention of Martin Koszta on board the Austrian brig-of-war "Hussar," which will serve to show my views of the transaction better than I could do in a note. The public here are quite as indignant at the brutal conduct of the Austrian consul as they were in Smyrna. Mussulman, Christian, and Jew, execrate the conduct of the consul, and accuse him as the cause of the bloodshed which resulted from the brutal arrest and treatment of Koszta. The Porte would have been much pleased had you taken him from the Austrian brig, and I regret that it was not done on the ground that he had renounced all allegiance to the Austrian emperor, and taken an oath of allegiance to the government of the United States. He certainly *is not an Austrian subject*, and he certainly can claim no other allegiance to any other power than to that of the United States. It is not uncommon for persons having received official copies of their declaration of allegiance to procure an Austrian passport stating this fact, in which all protection and satisfaction is assured them from American authorities. I believe that, under the circumstances, you have a right to persist in demanding him from the American commander. The Porte would wish to leave the matter open between us and the Austrians, and if *we* could see the poor fellow carried off and hung, to let us take the ignominy of the transaction on our own shoulders. If I thought you would be governed by my instructions, they would be to demand him, in the most formal and positive language, of the Austrian commander, in my name, as representative of the United States; and, after having him in your possession, leave the matter to be adjusted between the two governments. In case of a refusal to deliver him, founded on the pleas that he had renounced all allegiance to Austria, and that, having taken the oath of allegiance to the United States, he has a claim upon our protection, *I would take him out of the vessel*. Such a course will meet with the most profound applause from this government, and from every foreign legation here, except that of Austria, and cannot but call for strong gratification on the part of our government and people at home.

So abominable an act has excited here extreme abhorrence, and

execration; and all you have already done has elevated the character of our country and of our navy.

I remain, dear sir, most truly yours,

JOHN P. BROWN.

Commander INGRAHAM,  
*United States corvette, St. Louis.*

Be so good as to allow Mr. Offley to peruse the present. I do not doubt but that he will support you in all you do.

J. P. BROWN.

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MY DEAR SIR: I cordially approve of the measures of Mr. Brown in taking the exile, Koszta, per force, and do hope you will do so. So far as my humble power goes, I will defend it. He is not an Austrian subject; he has sworn allegiance to the United States. Sure, this is enough to demand our protection, no matter what he says. Don't let this chance slip to acquit yourself nobly and do honor to our country. The Turkish governor, as well as the Austrian consul, have been both disgraced and dismissed. The eyes of nations are upon the little "St. Louis" and her commander. For God's sake, and the sake of humanity, stand for the right.

Regards and friendship of yours ever.

CALEB LYON, of Lyonsdale.

*Note by Captain Ingraham.*—I send a copy of Mr. Brown's letter for fear of any mistake.

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1852.—STATE OF NEW YORK.

*In the Court of Common Pleas for the city and county of New York:*

I, Martin Koszta, do declare on oath, that it is *bona fide* my intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, State or sovereignty whatever, and particularly to the Emperor of Austria, of whom I am a subject.

MARTIN KOSZTA.

Sworn this 31st day of July, 1852.

GEORGE W. RIBLET, *Clerk.*

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*Clerk's office, Court of Common Pleas for the city and county of New York:*

I certify that the foregoing is a true copy of an original declaration of intention, remaining of record in my office.

In witness whereof, I have hereunto signed my name and affixed the seal of said court this 31st day of July, 1852.

GEORGE W. RIBLET, *Clerk.*

No. 4.

UNITED STATES OF AMERICA, }  
*State of New York.* } ss.

By this public instrument be it known, to all whom the same doth may in anywise concern, that I, Joseph B. Nones, a public notary and for the State of New York, by letters patent under the great seal of the State duly commissioned and sworn, dwelling in the city of New York, do hereby certify that the persons named in the annexed paper appeared before me, and being duly sworn according to law, each subscribed the declaration made by him, respectively, which I deem sufficient proof of the affiliated citizenship of the said

, and I certify the annexed description of his person to be correct. I also certify the annexed affiliation paper from the State of New York be genuine, and the said having forever renounced all allegiance, except to the United States of America, and having conformed to the requirements of the several acts of Congress, in such case made and provided, and having received his affiliation certificate, is entitled to all the benefits and protection of an affiliated citizen of the United States of America, and I hereby request all whom it may concern to permit safely and freely to pass the said , and in case of need to give him all lawful aid and protection.

In testimony whereof, I have subscribed my name, and caused my national seal of office to be hereunto affixed, the 28th day of [s.] July, in the year of our Lord one thousand eight hundred and fifty-two, in the 77th year of the Independence of these United States.

T. B. NONES,  
*Notary Public of the State of New York.*

UNITED STATES CONSULATE,  
*Smyrna, June 30, 1853.*

SIR: I had the honor to receive, this morning, your letter in answer to mine of the 24th instant, referring to the arbitrary seizure of Martin Koszta, the Hungarian refugee, and since writing my above letter, I have been informed that he was not on board of the Mississippi with Kossuth, but that he formed one of his suite at Kutaia, and left Turkey by the English steamer.

I beg to enclose herewith a copy of the declaration made by Koszta July, 1852, in the United States, stating his intention to become a citizen of the United States.

According to your instructions, I have again had an interview with the Austrian consul, and I used my best endeavors to effect Costa's release, but I am sorry to state that they have been unavailing. The Austrian consul told me that he is acting under the orders of the internuncio, and that by the Trieste boat he received positive orders to send Koszta to Austria, and that he intended to send him yesterday in her. I told him that you had applied to the internuncio for Costa's release, and that possibly by next week's boat he might receive contrary orders

from Constantinople. After much opposition on the part of the Austrian consul to wait for any further instructions, he consented that Koszta should not be sent away until Saturday, when the boat from your place will come in.

I trust that your interference with the internuncio may have induced him to give contrary orders to the Austrian consul of this place, and that they will reach here by Saturday's boat.

There is a report in town that an Austrian steamer of war is coming here from Constantinople, with a commissioner from the Sublime Porte, to take away the refugees that are in this place, many of whom are not even Austrian subjects.

On the evening of the day before yesterday, Captain Ingraham, commanding the St. Louis, received a letter stating that Koszta was to have been sent on board the Austrian steamer on the following morning, (at day-break,) that was to leave that day for Trieste, requesting his interference to hinder this act. Captain Ingraham addressed a letter to the commander of the Austrian brig, in behalf of Koszta, requesting that he should not be sent on board of the steamer until I should hear from the legation at Constantinople. The Austrian commander replied verbally that he did not know that the man was to be sent off. The next morning Captain Ingraham received a note from the captain of the brig, saying that he had nothing to do with Koszta, and that the question regarding him was in the hands of the Austrian consul general. Previous to the receipt of the note, the corvette had moved from the lower part of the bay near to the brig and mail steamer.

I have the honor to be, sir, your obedient servant,

E. S. OFFLEY.

J. P. BROWN, Esq.,

*United States Chargé d' Affaires, ad interim, Constantinople.*

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UNITED STATES CONSULATE,

*Smyrna, June 27, 1853.*

SIR: On the 23d instant I had the honor of laying before you the occurrence that lately took place in this city in regard to the Hungarian refugee, Martin Koszta, of the steps I had taken in his behalf, and of the murder of an Austrian officer by the refugees, acting under the excitement of the arrest above referred to.

His highness applied to me, on the 25th instant, through his dragomana, requesting that I should arrest Ferdinando Baschish, an Hungarian refugee, holding a passport given by your legation; and that he, and the other refugees under this protection, should be sent to the local authorities to be examined by them in regard to the murder that had been committed; the dragoman, also, informed me that F. Baschish is the servant of the British chaplain of this place. In compliance to the governor's request, I immediately sent Mr. Griffith to effect the arrest as requested, and on going to the house he found the man there, who left the room to dress himself in order to go with Mr. G.; and, on the latter finding that he delayed to return, he was told that the man had disappeared, of which circumstance he informed the governor's drago-

man, who replied that the man had not left the house, as he had placed policemen to guard it; and Mr. G. then authorized the dragoman to seize Baschish wherever he might be found.

I now beg you to inform me if any refugees, holding American passports, should be seized by the local authorities to be put under trial for the murder of the Austrian officer, what am I to do in the case; am I to give them up to the Turkish authorities or am I to protect them?

In an interview I had with the governor, accompanied by Captain Ingraham, I am inclined to believe that it is his opinion that the refugees, who have no consular protection, will be given up to the Austrian consul. I lay this circumstance before you in the certainty that you will use your influence in order that this act may be hindered. Amongst the refugees there are many upright and good men, who have behaved in the most exemplary manner since their arrival here. There are, also, many who are not Austrian subjects, and who were, until lately, under the protection of the Sardinian and other consulates, but who have been abandoned, under these circumstances, when they are more in need of protection than ever.

I would take the liberty of suggesting that, in case the local authorities should put the refugees to a trial, that it would be well to use your influence conjointly with the English and French ambassadors, in order that it may be carried on impartially, and in the presence of a dragoman of each of those powers, so that justice may be done them.

I have the honor to be, respectfully, yours,

E. S. OFFLEY.

J. P. BROWN, Esq.,

*U. S. Chargé d'Affaires, ad interim, Constantinople.*

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[Translation.]

SMYRNA, July 2, 1853.

The undersigned, the consul general of Austria, and the consul of the United States, beg the consul general of his Majesty the emperor of the French, to receive in deposit, in his prisons, the so-named Martin Koszta, (Martin Costa,) detained on board the Austrian brig-of-war "Hussar," whose nationality, and consequently, the relations of protection, are being discussed between the respective embassies in Constantinople, as well as between the consulates at Smyrna.

They beg the consul general to take charge of this deposit on the following conditions:

The individual aforesaid shall be consigned, in the course of this day, and as soon as possible, to a detachment of soldiers belonging to the Austrian brig, who will conduct him to the landing of the French hospital, where he shall be delivered into the hands of the consul general of France, or of the person whom the latter may depute to receive him. The prisoner shall not be at liberty to communicate with any one outside, with the exception of the undersigned consuls, and in the hospital he shall be especially entrusted to one person, whom the consul general of France shall designate. The costs for the board and maintenance of

the prisoner, which the undersigned leave entirely to the discretion of the consul general of France to determine, shall be discharged by the undersigned consul general of Austria.

It is expressly understood that the consul general of France is not to deliver up the prisoner, Martin Koszta, (Martin Costa,) except upon the requisition of both the undersigned.

E. S. OFFLEY,  
*Consul of the United States.*  
VECKBECKER,  
*Consul general of Austria.*

Correct copy: E. S. OFFLEY.

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LEGATION OF THE UNITED STATES OF AMERICA,  
*Constantinople, June 29, 1853.*

MONSIEUR L'INTERNONCE: I have just received the letter which you were pleased to write me, under date of the 27th of this month, on the subject of the individual named Martin Koszta, arrested at Smyrna, on the 21st instant, by the Austrian consul.

I am readily convinced, sir, that the means adopted by the Austrian consul to effect the arrest of the said individual could not merit your approbation; and also, I do not feel myself at all called upon to express an opinion upon the *right* which you mention as possessed by your government over all of its own subjects in Turkey.

I cannot, however, deny myself the honor of once more addressing your excellency for the purpose of renewing the official intercession which I have already felt it my duty to make in behalf of this person; and, so as to enable your excellency to better appreciate the basis of my request, I have the honor to hand you, enclosed, the declaration which Mr. Koszta made at New York, on the 31st of July, 1852, "renouncing his allegiance to the emperor of Austria," and taking an oath of allegiance to the government of the United States of America.

The right of expatriation and of naturalization is recognized, I believe, by the government of Austria, as well as by other governments; and it seems to me that the arrest (without here referring to the means which the Austrian consul of Smyrna used to effect it) of the said Koszta, upon the neutral soil of Turkey, after the act of allegiance made by him, will be regarded by the government of the United States as being, not only a painful violation of these same rights of naturalization, but, also, in consequence of my intercession, as a want of respect and regard towards my government, of which the impression will be removed with difficulty. I would not leave your excellency ignorant of the preceding facts; but, rather by communicating them to you, relieve myself from the responsibility which the arrest of Koszta, and the consequences which may grow out of it, may have in the minds of my government and countrymen.

It was, on presenting this declaration of allegiance to the consulate of the United States of America at Smyrna, and to this legation, that

the said Costa was furnished with a *teskereh*\* to come to Constantinople, and to return to Smyrna, whence he was to start to New York. Since his arrival in Turkey he has resided under the protection of my government, and it is a pleasure to me to be able to state that his conduct has always been irreproachable. His fidelity to his native land—the only crime of which he is accused—leads him to declare himself always a *Hungarian*, and to state that he wishes even to meet his end as such.

Your excellency will pardon me for thus renewing my intercession in his favor. I beg your excellency to be pleased to have him delivered over to the local authorities of Smyrna to be sent again to the United States.

This act will be learned by the President of the United States, I am confident, with satisfaction, and prevent the painful and extraordinary news of his arrest becoming again the cause of the interruption of those friendly feelings between our respective countries, which I sincerely have it at heart to reconcile and to cultivate.

Accept, etc.,

JOHN P. BROWN.

His Excellency BARON DE BRUCK,

*Envoy and Intermance of H. I. M. the Emperor of Austria.*

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[Translation.]

BUYUKDERE, July 3, 1853.

**MONSIEUR LE CHARGE D'AFFAIRES:** I have just this moment received advices from the consul general of Austria, at Smyrna, informing me that the commander of the American sloop-of-war "St. Louis" did, on the 29th of June, assume an hostile attitude towards the Austrian brig "Hussar," placing himself alongside of that vessel, and causing his guns to be loaded. This demonstration was preceded by a letter, a copy of which is herewith enclosed, which the commander of the American vessel addressed on the 28th of June to the commander of the Austrian brig. That letter states that said American commander considers himself justified in preventing the departure of Martin Koszta, who was arrested on board the "Hussar," until an order shall have arrived from the United States legation at Constantinople, seeing that Koszta is in possession of a paper setting forth his intention to become a citizen of the United States, and that Koszta had passed some time in America.

It would be difficult to justify, by this circumstance, the proceedings above mentioned, seeing that it does not in any way prove that Koszta had ever acquired naturalization in America. Consequently it follows that he has never ceased to be a subject of Austria, and any attempt to withdraw him by forcible means from the jurisdiction of the imperial authorities could not be considered in any other light than as an outrage against the principles of the law of nations. Having already had the honor, Monsieur le Charge d'Affaires, of giving you every explana-

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\* *Teskereh*, or permit, procured by the legation and consulates from the local authorities, for all American travelers in Turkey.



tion concerning Martin Koszta, in my letters of the 27th and 30th of June, I have only to beg that you will, without delay, order the captain of the sloop of war "St. Louis" to abstain from any further interference in this matter, and thus to put an end to an aggression which is as inexplicable as it is unlawful.

I entreat you, at the same time, to inform me, as soon as possible, of the course you may have been pleased to pursue, in view of my present action, in order that I may, in my turn, apprise the consul general of Austria, at Smyrna, in relation thereto.

Please to accept, Monsieur le Chargé d'Affaires, the assurance of my most distinguished consideration.

V. BRUCK.

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UNITED STATES SHIP ST. LOUIS,  
*Smyrna Roads, evening, June 28, 1853.*

SIR: I have this moment received a letter stating M. Koszta was to be sent on board the steamer to morrow at daylight, to be sent to Trieste. I have been only waiting to hear from the minister at Constantinople, before I took some action in the case of Koszta, as he has a paper stating his intention of becoming a citizen of the United States. He came here in an American vessel, and has been some time in the United States.

I earnestly protest against his leaving this port before something has been heard from Constantinople.

Respectfully, your obedient servant,

INGRAHAM,

*Commander.*

To the COMMANDER of the Austrian brig "HUSSAR."

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LEGATION OF THE UNITED STATES OF AMERICA,  
*Constantinople, July 3, 1853.*

MONSIEUR L'INTERNONCE: I have just received the letter which you were so good as to write me of this date, in which you state that you have addressed me *two letters* (of the 27th and 30th of June) on the subject of my remonstrances against the barbarous conduct of the Austrian consul at Smyrna on the person of the individual named Martin Koszta, an affiliated citizen of the United States, whose formal declaration I had the honor on the 29th of the past month to communicate to you, "renouncing his allegiance to the emperor of Austria," and comprising his oath of allegiance to the government of the United States of America on the 31st of July, 1852. This act of arrest, also, took place on the neutral soil of Turkey, where this person possessed the protection both of my government and of that of his imperial Majesty the sultan.

Although your excellency is so good as to tell me that you have written me an answer to my aforesaid remonstrances of the 29th of the past month, I have not received any, which silence on your part I can

only regard as a want of respect towards me. When I shall have received it (your excellency says that it was written on the 30th) I will be better able to reply to your note of to-day.

I beg your excellency to accept the assurances of my very distinguished consideration.

JOHN P. BROWN.

P. S.—In the view of giving your excellency still another document, showing the rights of M. Koszta to the protection of the authorities of the government of the United States in Turkey, I embrace this occasion to present the enclosed.

J. P. B.

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[Translation.]

BUYUKDERE, July 4, 1853.

MONSIEUR LE CHARGE D'AFFAIRES: I learn with regret, from your letters of yesterday, that my communication of the 30th of June has, from some cause of which I am ignorant, failed to reach you.

I have this moment dispatched a clerk of the legation to the city, in order to have the matter explained; and I hasten, in the meanwhile, to send you, herewith enclosed, a copy of my note aforesaid.

Accept, Monsieur le Chargé d'Affaires, the assurance of my most distinguished consideration.

V. BRUCK.

To Mr. J. P. BROWN,

*Charge d'Affaires of the United States of America.*

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[Translation.]

BUYUKDERE, June 30, 1853.

MONSIEUR LE CHARGE D'AFFAIRES: I have had the honor to receive your communication, in which, sir, you renew your request for the release of the individual Martin Koszta, basing your application upon the circumstance, that, previously to his departure for Turkey, he had sought to perform in New York the necessary formalities, in order to be received as a citizen of the United States.

The explanations you have kindly furnished me with on this subject, and for which, sir, I cannot but thank you, cannot, however, produce any change in the measures that have been taken in regard to said individual, whom it is impossible for me to consider, under any circumstances, as belonging to a foreign jurisdiction, inasmuch as the ties which bind him to Austria have not been legally dissolved.

Referring, therefore, to my reply of the day before yesterday, concerning the arrest of Martin Koszta, who will be immediately conveyed to Austria, I think it my duty to remark to you, Monsieur le Chargé d'Affaires, in case you should intend to continue your applications in

his behalf that any overtures to that effect would be entirely useless unless directly addressed to the Imperial cabinet by the representative of your government at Vienna. I think moreover, I can assure you, sir, that the individual in question will find his surest guaranty of a just and indulgent treatment in the wisdom and foresight of Austrian law, and especially in the clemency and magnanimity of my august sovereign.

Please to accept, Monsieur le Charge d'Affaires, the assurance of my most distinguished consideration.

V. BRUCK

#### UNITED STATES CONSULATE.

*Smyrna, July 4. 1853.*

SIR: I have the honor to acknowledge the receipt of your two letters, under date 30th ultimo, inclosing one for Commander Ingraham, and your correspondence with the Austrian internuncio, in reference to the refugee, Mr. M. Koszta, as well as your letter to the Honorable Secretary of State, which according to your instructions I have opened and perused, and shall forward by the first French mail that leaves here for the United States, all of which were handed me early on the morning of the 21 instant by Mr. Alex, the capon oylan of the legation. On receipt of said letters I immediately went on board of the St. Louis, and gave Commander Ingraham your letter, and read him all your correspondence on this matter, and we agreed that he should go on board of the "Hussar" to have another interview with Koszta.

On Captain Ingraham's return from the brig, he told me that when on board the brig he had demanded Koszta's release, and had given the captain three hours delay for the release aforementioned, (till 11, a. m.)

As I thought that this delay was not sufficient to do the needful under the circumstances, I suggested to Commander Ingraham the propriety of extending it till 4 p. m., in the hope that I might come to some satisfactory conclusion with the Austrian consul, so as to avoid the effusion of blood; and in order to avoid all the consequences that might have ensued if his release had been effected by force. Captain Ingraham agreed to my suggestions, and wrote a letter to the captain of the brig (enclosed copy A.) demanding Koszta's release by 4 p. m. I then went to the Austrian consul, and took with me a copy of Captain Ingraham's letter to the Austrian commander, and used all my efforts in order that Commander Ingraham's demand should be complied with. After a very long debate, in which the Austrian consul most positively persisted in refusing to give him up, I then explained to him the consequences that would no doubt ensue, should he persist in his refusal; and he then offered to make an agreement with me that Koszta should not be sent away "for a week, a month, or even a year," until the question should be settled by the legation and embassy at Constantinople. I then took this opening to effect a negociation with him; and after many difficulties he agreed to enter into a convention with me, (copy of which I herein enclose sub ) wherein it is stipulated that Koszta is to be delivered to the French consul, to be kept by him until a collective demand should be made by us two for his release.

Captain Ingraham having approved of the conditions stipulated betwixt the Austrian consul and myself, Koszta was on the afternoon of the same day sent ashore. I need hardly say that the excitement in town was very great. An immense concourse of people were present on his landing, and *vire C' Amerique*, and her gallant officers who saved Koszta from Austrian barbarity, was in the mouths of all present, and the heartfelt thanks of all the European population have been given to our country on this occasion.

It is fortunate for Koszta that force was not used for his release, as it is very probable that he would have been shot by the Austrians on the first attack that might have been made on the brig. Besides the brig, the Austrians had a schooner of war, and three of Loyd's steamers were in port.

Yesterday I received your letter of the 1st instant, and I sent my dragoman this morning to Chekib Effendi, the commissioner sent by the Porte, to inform him of my desire, and that of Captain Ingraham, for seeing him, and to request him to appoint an hour for that purpose. He informed me in reply that he regretted he would not be able to see us to-day, or to-morrow, as the steamer in which he came will leave to-morrow for Constantinople, and he is extremely busy for her departure. I have heard, however, that the *Austrian consul* has had an interview with him, and that the French consul has been refused an interview under the same plea that he has made to me.

I feel certain, now that Koszta is out of the clutches of Austria, that he will not fall again into her hands.

The indignation of every one here (Turks not omitted) has been aroused against "Ali Mead Effendi," to whom the arrest of Koszta and all the persecutions that have taken place against the refugees are attributed. I have no doubt that you have continued your efforts with the English and French ambassadors in order that the position of the unfortunate refugees may be ameliorated.

Captain Ingraham thinks of leaving soon to join the commodore, to report the whole transaction. Under the circumstances it would be well that the sloop *Levant*, if at Constantinople, should be sent down here until the present difficulties are settled.

I remain, sir, in haste, your very obedient servant,

E. S. OFFLEY.

J. P. BROWN, Esq.,

*United States Chargé d'Affaires, Constantinople.*

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UNITED STATES SHIP, ST. LOUIS.

*Smyrna Roads, evening, June 28, 1853.*

SIR: I have this moment received a letter stating Martin Koszta was to be sent on board the steamer to-morrow, at daylight, to be sent to Trieste. I have been only waiting to hear from the minister at Constantinople before I took some action in the case of Koszta. As he has a paper stating his intention of becoming a citizen of the United States,

I earnestly protest against his leaving this port before something has been heard from Constantinople.

Very respectfully, your obedient servant,

D. M. INGRAHAM, *Commander.*

To the COMMANDER of the Austrian brig "HUSZAR."

UNITED STATES SHIP, ST. LOUIS,  
*Smyrna, July 2, 1853.*

SIR: I have been directed by the American chargé at Constantinople to demand the person of Martin Koszta, a citizen of the United States, taken by force on Turkish soil, and now confined on board the brig "Huszar," and if a refusal is given, to take him by force.

An answer to this demand must be returned by 4 o'clock, p. m.

Very respectfully, your obedient servant,

D. M. INGRAHAM, *Commander.*

To the COMMANDER of the Austrian brig "HUSZAR."

No. 65.

[Translation.]

H. M. BRIG HUSZAR,  
*Smyrna, July 2, 1853.*

As I have the honor to refer to my letter of the 26th instant, in which I stated to you that I altogether depend from (upon) the consul general concerning the matter respecting the prisoner Martin Koszta. I shall send to him your letter of this day, and I shall state to him to come to an understanding with you himself.

In case of any violence against his majesty's brig "Huszar," or schooner Artinisia, I must protest, and I should consider it again as a hostile step, for which I would hold you responsible altogether.

SCHWARZ.

To the COMMANDER of the U. S. ship St. Louis.

U. S. SHIP ST. LOUIS,  
*Smyrna, July 4, 1853.*

SIR: Upon the receipt of Mr. Brown's letter of the 28th of June, brought down by the capon oglan of the legation, I requested from the commander of the brig "Huszar" another interview with Martin Koszta, which was granted. I asked Koszta how long he had been in the United States. He told me one year and eleven months. I then asked him if he had intended to settle in the United States; he answered "yes." I then said "do you demand the protection of the American flag;" he told me he did. He seemed much better at this interview than at the last. I was astonished to see by Mr. Brown's letter that

Kosztka declared himself on our first interview a Hungarian. I did not hear him say so. I now demanded his release from the Austrian commander as a citizen of the United States, by 4 o'clock, p. m., (this was at 8, a. m.) or I should use force to take him out; and this was by direction of the acting chargé d'affaires of the United States at the Porte. He replied he had nothing to do with the prisoner, Mr. Koszta. I must settle that with the consul of Austria; but protested against my violence towards the brig and schooner, and would hold me responsible. He immediately hoisted sail and beat about the harbor. Mr. Offley, the United States consul, waited upon the Austrian consul, and they had a long and pretty hostile talk. The Austrian consul by 11 o'clock, a. m., agreed to deliver Koszta into the hands of the French consul, to be held by him subject to the joint order of the consuls of the United States and Austria, and not to be delivered without both signatures. I thought it best to agree to this, as once out of the brig he would be safe. And now, you gentlemen of the pen must uphold my act, as it was done in accordance with Mr. Brown's instructions, backed by Mr. Lyon's advice. Although not binding upon me, I felt I should respect their opinions.

The whole town was in a ferment, and Koszta was received at the wharf with three cheers. I know I have taken a very heavy responsibility; but as they had more guns than I had, (26) although mine were larger, and three steamers to help them, they will not like to own it was fear that made them deliver up Koszta; so we must suppose it was a sense of returning justice. I shall sail soon to report to the commodore. I again hope you will back me in this affair.

Mr. Brown will show you the letter he wrote me. I enclose the answer of the captain of the brig. All the rest of the correspondence Mr. Offley will send you by the capon oglan.

I told Mr. Offley I hoped he would never sign for the delivery of Koszta until he could hear from the United States. In that case he will be safe, for every day will strengthen the sympathy felt for him. I suppose the internonce will make a terrible complaint against me to our government; but as they chose to yield, and I did not do what I threatened, I think they had better keep silent.

The French consul, I think, approves my course, although he does not say much. Some of the others shake their heads. I have written a much longer letter than I intended, as you will have everything from Mr. Offley. The Austrian consul, to show his spite to the last, did a thing we never could have supposed possible—landed Koszta in chains. The French consul, however, had them removed immediately.

Respectfully yours,

D. INGRAHAM, *Commander.*

GEO. P. MARSH, Esq.,

*U. S. minister near the Ottoman Porte.*

**JULY 4.**—The Austrian vessels of war have hoisted the American flag in honor of the day.

D. I.

I should like an answer immediately, as I feel anxious to hear what you think of my course in this business.

LEGATION OF THE U. S. OF AMERICA,  
*Constantinople, July 1, 1853.*

SIR: I was yesterday prevented from replying to your dispatches of the 27th, by an erroneous impression which I had of the hour of departure of the steamer. I believe also, that I dated my letters to you the 29th, when they should have been dated the 30th. As I confided them to Alexan, the capon oylan of the legation, for safe delivery, I trust you will receive them.

On looking over the list of passports given by the legation, I find one dated the 24th January, 1851. to "*Baschish*," for *America*, which was vized the 25th of the same month. I presume that this is the person to whom you allude as "the servant of the British chaplain," and who has been demanded by the local authority of Smyrna, as suspected of having been implicated in the murder of the Austrian officer.

If an American citizen were accused of a crime committed on another foreigner, it would, according to the act of Congress of August 11, 1848, be clearly your duty to try him yourself, and not to permit him to appear before the local authorities; yet an accusation of a crime against an Ottoman subject, the authorities would, I believe, from what is practised here, have a right to claim his trial. You will perceive that I have interceded in behalf of Martin Koszta, on the ground of his expatriation, and act of allegiance to the United States, and the circumstance of his being in the territory of a third government.

I apprehend that I could not expect that an official intercession for him (*Baschish*) on my part could be approved by the President, as he is only possessed of a passport given him by this legation, for the purpose of departure to the United States. The protection possessed by *Baschish* is, at most, but a nominal and temporary one, and may be disputed, with reason, by the Austrian consul, in case he is, or has been, an Austrian subject.

I would not, however, recommend you to cast him off, or withdraw, entirely, your protection or interest in him. Humanity forbids it, especially if you have reason to believe him innocent of the accusation imputed to him. You may, however, allow him to be judged by the local authority, and use the matter of the passport as a reason for being present, or represented at the Court.

Under the present circumstances, it would not be advisable to refuse your protection to any individuals who may be now in Smyrna with passports given them in foreign countries. I believe that their passports will be respected by the Austrian consulate, and by the local authorities.

The position of those Tuscans and Hungarians who possess no passports is more critical, and your official protection cannot securely be acceded to them. In the view of benefitting them, I called on the 29th on Lord S. de Redcliffe, and Mons. De la Cour, and interested them in their condition. These two ambassadors promised me to act together in their behalf, and to speak with the internonce on the subject. The Sardinian minister is also, I believe, warmly interested in their favor. His excellency Rechid Pacha, informed me, on the 29th, that all Tuscans, without other protection, (passports,) would be given up on demand to the Austrian consul. Chekib Effendi, a person of high rank

and much experience, but who, I suspect, is rather of the temporizing party, goes to Smyrna as commissioner on this matter.

*Later.*—I have been invited to a conference with Chekib Effendi, and we discussed the affair at length. He asserts that the Austrian government does not possess the power by treaty to arrest any one on Ottoman soil for political offences. He says that Koszta must be returned to the local authorities of Smyrna, which, if he be really an inconvenience to Austria, will expel him from Turkey. I discussed with him the matter of expatriation and naturalization, with which he is well acquainted, and he says that Koszta is expatriated, and so far naturalized that no Austrian functionary has any right to arrest him on the neutral soil of Turkey. He will, therefore, I believe demand this of the Austrians at Smyrna, and I suppose his opinions are based upon his instructions. This agrees wholly with the opinion of Lord Stratford.

The opinion everywhere is, that Captain Ingraham has the Austrian rig under his guns, and will not permit it to leave Smyrna until the question is settled. I need not say that the opinion here is warmly in our favor; the conduct of the Austrian consul is so despicable, that there is a profound sense of indignation here, and everywhere, against him. All the Turks, even the Persian chargé d'affaires, say that the "Yenghi Duny'd" (new world) is not to be so trifled with.

I have no reply to my second letter to the internonce as yet. I have sent a copy of my first to him, his answer, and my rejoinder to the same, with the declaration which M. Koszta made in New York, filled up with the date you gave me and his name, to H. H. Rechib Pacha.

I am in hopes that the internonce will be staggered by the "declaration" and my argument, though the Austrians will, with reluctance, relinquish their victim. I have heard that he neither eats or drinks lest he be poisoned, and that, to all interrogations, he exclaims: "I am a Hungarian!" Also, that the Austrians have offered to free him, if he will leave the country; but I doubt it.

The cause of humanity is so much concerned in the fate of Koszta and the Hungarians generally, that I hope the Porte will follow good advice, and maintain its rights. I am sure you will enter into my feelings in the matter, and effect them, if practicable. Please allow Captain Ingraham to peruse this. I trust he will find it convenient to spend some days in Smyrna, until this matter is settled. I had hoped the pleasure of seeing him here. I would recommend you and him to call, at once, upon H. E. Chekib Effendi, who is a man of much good sense and firmness. He has asked me to support him among the foreign legations here, which I shall do, if he does what is right. Ali Pacha has been recalled to appease the internonce, on the ground that he did not send away all the refugees, and that *his* negligence caused the death of the Austrian officer.

I have the honor to be, &c.,

J. P. BROWN.

E. S. OFFLEY, Esq.,  
United States consul, Smyrna.



*Mr. Marsh to Mr. Marcy.*

LEGATION OF THE UNITED STATES,  
*Constantinople, July 7, 1853.*

SIR: As I have already advised you, by my dispatch of the 6th instant, I arrived here in the corvette *Levant*, on the 5th of the present month. On the same day, the legation received letters from Mr. Consul Offley, of Smyrna, and Captain Ingraham, of the *St. Louis*, reporting the steps taken by them to procure the release of Koszta, and announcing the surrender of that individual by the Austrian authorities, upon certain conditions; which, as well as the other documents belonging to the case, accompany Mr. Brown's dispatch of the 5th instant.

As all these events took place without my knowledge, and while I was absent, under special instructions from the State Department, it does not, perhaps, belong to me to express any opinion in reference to them. At the same time, the importance of the principles involved in the case, and the magnitude of the consequences which may flow from it, will, I hope, be thought to justify me in submitting some observations in support of the course taken by Mr. Brown and by Captain Ingraham, and the rather because my official experience, at Constantinople, has rendered me somewhat familiar with the anomalous local laws and political relations, by which the right of the case must, in a great measure, be determined.

The facts, briefly summed up, are these: Koszta is a native of Hungary, and, by birth, a subject of the emperor of Austria. He was concerned in the political disturbances of 1848-'9; and, in the latter year, crossed the Turkish frontier in company with Kossuth and other Hungarian insurgents. After a detention of several months at Shumla, he was transported to Kutiah in Asia Minor, and thence sent by the Turkish government to England, whence he emigrated to the United States.

It is notorious that soon after the entrance of these persons into the Turkish territory, the Austrian government had demanded their extradition, as criminals, under alleged treaty stipulations; that, failing in this, it, at various times before their transportation to England, asked their expulsion from the Turkish territory; that it has repeatedly declared them banished, proscribed, and expatriated; and that it has, at all times, refused them protection as Austrian subjects.

Under these circumstances, Koszta emigrated to the United States, and immediately declared, in due form, before a court of competent jurisdiction, his intention of renouncing allegiance to the emperor of Austria, and becoming a citizen of the United States. After a residence of two years in America, he came to Smyrna for objects, as is believed, strictly personal and private; and having accomplished these objects, he prepared to re-embark for the United States. While at Smyrna, he had occasion to visit Constantinople, and applied to the American consulate, at the former city, for a *teskereh* (Turkish passport) for that purpose. The consul furnished him the instrument, and, upon returning to Smyrna, he received another *teskereh* from Mr. Brown, then in charge

not protected with any right of capture which would entitle him, by the use of force, and put him on board an Austrian brig-of-war, which was to receive him. Having given the order, the consul applied to the governor of Smyrna for authority to arrest Koszta, and transport him to Austria. The governor refused his consent, but said that he would himself forthwith arrest him, and expel him from Turkey. The orders of the consul were, nevertheless, executed, and with circumstances of great brutality, as appears from the papers transmitted by him.

He not pretended that Koszta had been guilty of any other offence than participation in the Hungarian revolutionary movements of 1848-'9, and is even said that his arrest originated in a mistake of the person, and that the conduct of the consul has been disapproved by his superiors at Constantinople.

The correspondence reported to the department by Mr. Brown now in place, and Captain Ingraham interposed as you have already been advised.

The Turkish government does not complain that Captain Ingraham committed any violation of its rights, or any encroachment upon its sovereignty as a neutral power; and the case, therefore, does not necessarily assume the shape of a tripartite controversy, but for the present may be considered as a simple question between the Austrian and American governments.

In the solution of the question, the two most important elements are to be the formal legality of the seizure of Koszta and his right to American protection when restrained of his liberty by illegal means.

Under the general principles of international law, Turkey, as well as every other independent government, enjoys exclusive jurisdiction over

pire, and claims over Koszta the same rights it would have possessed, and might have exercised had he been found upon Austrian soil.

This claim is founded on the old French capitulations (which are the basis of the extraordinary exemptions and privileges enjoyed by the foreign legations and by Franks resident in the Ottoman empire) and the modifications introduced by subsequent treaties.

By these capitulations and the older treaties, Turkey has surrendered to the foreign legations and consulates in the Ottoman empire general jurisdiction over the subjects of their respective governments in civil and criminal controversies relating to the personal or proprietary rights of *each other*, or of other Frank residents in the dominions of the Porte, but the provisions of those instruments evidently refer to offences committed, or civil controversies arising, *in the Turkish territory*.

It does not appear that the Porte had ever stipulated with any European power for the extradition of criminals, or the seizure of fugitives from justice by their governments, in Turkey, until the year 1774, when the treaty of Rutschuck Kainardge was negotiated with Russia.

The second article of this treaty provides that "if subjects of the two empires, who have committed any capital crime, or been guilty of disobedience or treason, should attempt to conceal themselves or seek asylum in either of the empires, they shall not be received or kept under any pretext, but immediately delivered, *or, at least, expelled from the States of the power to which they may have retired.*" The article proceeds to except fugitives embracing the religion of the country to which they may have fled, and concludes as follows: "Likewise, in case any subjects of the two empires, whether Christian or Mahomedans, who have committed any offence or crime, for whatever cause, shall pass from one empire to the other, they shall, upon requisition, be immediately delivered up."

By virtue of general clauses in subsequent treaties, Austria, as well the other Frank governments, claims the benefit of this article, and she attempts to convert the alternative stipulation for extradition *or* expulsion into a grant of the power of seizing, on Turkish soil and by her own ministerial officers, Austrian subjects, who have offended against her laws.

The apparent inconsistency between the first and last clauses of this article, the former being in the alternative, the latter absolute, is, perhaps, to be explained by a looseness of translation from the Turkish and Russian originals, in the published French version. But, even taking the phraseology of this version as it stands, there can be little doubt that the first or alternative clause was meant to provide for political offences, the latter for ordinary crimes and misdemeanors. The Porte insists on this construction of the treaty, and contends that it is bound to extradition only in case of this latter class of offences, but that with regard to political offenders, it retains the right of delivering them up, or expelling them at its option. It was upon this ground that Turkey refused the surrender of Kossuth and his companions on the demand of Austria in 1849.

The Porte is doubtless right in its construction of the treaty; but, however this may be, the Turkish sultan is the undisputed lord of the soil, and, by the general law of nations, has exclusive jurisdiction over

all private persons within his territory. Foreign governments and their officers have no other or greater rights or powers within the Turkish territory than such as have been conceded to them by the Porte; and if they claim exceptional rights and privileges, those rights and privileges must be clearly and indisputably established before third parties can be affected with notice of them.

The extent of the powers granted to Austria is a disputed point, but so long as this is *hispensens*, foreign governments are entitled to disregard disputed claims in derogation of the general principles of international law, and to treat the Porte as still enjoying *de jure* what it certainly *prima facie* possesses, exclusive jurisdiction over all private strangers commorant within its bounds.

Cases of extradition, even of political offenders, have undoubtedly occurred, and it is said, that alleged fugitives from justice have been sometimes seized and sent away by the consulates, without special authority from the Porte. But though the Ottoman government may possibly have winked at this irregularity in some few cases, it has always denied the right. It is, moreover, the uniform practice to cause the arrest to be made by the consular cavasses, who are always Mus-sulman subjects of the Porte, commissioned by it as bailiffs, and acting by its authority, though for the time being serving as guards and ministerial officers of the consulate; and it is believed that very few seizures, for the purpose of extradition, have ever been made by these officers without special authority from their Turkish superiors.

The right of claiming extradition conferred by the treaty of Rutschuck Kainardgi, is mutual, and therefore the Turkish legations and consulates have the same powers in this respect over Ottoman subjects in Russia, Austria, England, France, and the United States, that the Frank authorities have over the subjects of their governments in Turkey. The seizure of an Ottoman subject, in a foreign territory, by brute force, and without legal process, by hired ruffians, upon the mere verbal order of a Turkish consul, and especially after permission to make such seizure had been refused by the local authorities, would never be tolerated for a moment by any Frank government. And there can be no doubt that the arrest and detention of Koszta, for participation in the revolution of 1848, was, under the peculiar circumstances of the case, as illegal as would be the seizure of a Greek, by a Turkish consul at Vienna, London or Boston, upon the charge of having treasonably participated in the insurrection which severed Greece from Turkey. Indeed, in any case, where there exist treaty stipulations for the extradition of criminals, without special provisions defining the mode in which it shall be effected, the consular authorities might claim the right of seizure and transportation with as much show of justice as in this.

As before noticed, Austria claims the right of seizure, not only under the treaty of Rutschuck Kainardgi, but under the provisions of the ancient capitulations. These provisions are extremely vague in their terms, but it has been already observed that they relate solely to causes of action or prosecution arising in the territory of the Porte. It is further to be remarked that they provide, not for the removal of the accused, but for his punishment by the legation or consulate of his own

government; and it is most evident that their object was to confer upon Franks resident in Turkey the privilege of exemption from the jurisdiction of the native tribunals, not to bestow upon their governments the right of forcibly removing them out of the territory and protection of the Porte.

The arrest and detention of Koszta being illegal, the Turkish governor of Smyrna ought to have demanded and enforced his release. The American consul required him to discharge this duty, but he refused to interfere, and left the American and Austrian authorities to settle the matter between themselves as they pleased. All question of the violation of neutral rights was now at an end. Turkey had both abdicated her sovereign right to determine the question of the legality or illegality of the seizure, and even neglected to insist on the ordinary powers and privileges of a neutral territory. To all intents and purposes the parties in dispute might, from this moment, consider themselves out of the jurisdiction of any third power, and free to act as if they were upon the high seas, or in a port of an uninhabited island.

The Austrian government had repudiated Koszta, declared him expatriated, and denied him its protection as a subject; its civil and military authorities had arrested him, not by any form of regular process, but by brute force, in a territory where they could, under such circumstances, lawfully exercise no power over him, and where they were consequently, *for this purpose*, not official persons; and the local authorities had denied all redress or interference in the premises. The case, then, is one of illegal and private violence, and Captain Ingraham had the same right to interfere that he would have had if the prisoner had been seized and confined by avowed robbers or other lawless ruffians, in a part of the world where no organized government existed.

We come now to the second branch of the inquiry. Had Koszta a right to protection as an American?

His own government had banished, expatriated, and repudiated him, and with the duty of protection had necessarily relinquished the right of control. To Austria he was a stranger, owing her no duties, claiming under or from her no rights. By the established usage which has been recognized in Turkey for centuries, all Franks having no native protection may put themselves under the patronage of *any* Christian nationality represented at the Porte which consents to receive them, and when so received they are treated in all respects as the subjects of the protecting power. This is every day's practice; and for a long period there has not been a legation at Constantinople, or a Frank consulate in Turkey, which has not had foreign non-naturalized Franks under its full protection and jurisdiction. In some cases these protégés have been counted by hundreds and even thousands. Austria herself has numerous protégés, owing her allegiance neither by birth or naturalization, and the practice is too well established to admit of its legality being questioned. Upon this ground alone, then, Koszta being an unprotected Frank might apply to any Frank nationality for protection, and such nationality might in its discretion accept or refuse him. But Koszta has further rights. He had solemnly declared his intention of becoming an American citizen, and by that act had acquired inchoate rights, the extent of which belongs entirely to us and to no foreign juris-

uous with us.

What then was the duty of Captain Ingraham? The proposal of the Governor of Smyrna to refer the question to his superior at Constantinople was not accompanied with any stipulation that the prisoner remain at Smyrna to abide the result. It was known that preparations were making to smuggle him on board an Austrian steamer to sail for Trieste, and there was no doubt that unless the American authorities forthwith interposed, he would be hurried off to meet an ignominious death. Captain Ingraham had no alternative but to submit to this outrage upon the rights of humanity, their rights of the principles of international law, their illegal violence against one whose rights to American protection had been duly recognized, to vindicate those rights and the honor of his country by an exertion of the physical force with which his government had entrusted

these considerations appear to me to justify the position taken by him, and the conduct of Captain Ingraham, and I trust they will be sustained by the American government in a course of action which has been generally applauded at Constantinople, and which will fail to give new force to the hourly increasing respect with which the American government is regarded in the countries of Europe and the East.

Although it has been said, as above noticed, that Koszta was arrested on a false charge, there is nevertheless much reason to suspect that his arrest was the beginning of a series of arrests, which were intended to terrify all the Hungarian and Italian refugees in the Turkish Empire; and it is believed that the occurrences at Smyrna will have a salutary effect in checking the course of illegal violence and sanctioning persecution to which those unfortunate persons would other-

express any approval of the conduct of Captain Ingraham, I have not the slightest reason to believe that it is at all displeased with it.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. W. L. MARCY,  
*Secretary of State.*

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No. 45.

*Mr. Marsh to Mr. Marcy.*

[Extract.]

CONSTANTINOPLE, July 11, 1853.

SIR: \* \* \* \* \*

Kosztá remains in the custody of the French consulate at Smyrna, and I have nothing to add to the statements of my dispatch of July 7 respecting him.

I have the honor to be, sir, most respectfully, your obedient servant,  
GEORGE P. MARSH.

Hon. W. L. MARCY,  
*Secretary of State.*

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No. 47.

*Mr. Marsh to Mr. Marcy.*

[Extract.]

CONSTANTINOPLE, July 25, 1853.

SIR: \* \* \* \* \*

The affair of Kosztá is still in the same condition as at the date of my last dispatch. The Porte has prepared a note for the Austrian internuncio, protesting against the seizure of Kosztá, but it has not yet been delivered, and possibly may be suppressed. In the meantime I have had no correspondence with Mr. de Bruck, but if the Porte makes a satisfactory protest, I shall endeavor to procure the release of the prisoner.

I have the honor to be, sir, respectfully your obedient servant,  
GEORGE P. MARSH.

Hon. W. L. MARCY,  
*Secretary of State.*

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No. 48.

*Mr. Marsh to Mr. Marcy.*

[Extract.]

CONSTANTINOPLE, August 4, 1853.

SIR: On the 29th of July I had an interview with Mr. de Bruck, the Austrian internuncio, in which the case of Kosztá was discussed. Mr. de Bruck insisted, that by virtue of the ancient capitulations, by treaty

id by usage, the Austrian government enjoys in the Turkish dominions, all intents and purposes, the same jurisdiction over its subjects found ere as in Austria itself; he denied that Koszta had acquired any ghts as an American citizen; regarded the interference of the American thorities in his behalf as illegal, and demanded the delivery of the isoner to the Austrian consulate.

In the course of the same day I received a note from the internuncio, ritten on the previous day, a translation of which, with a copy of my ply, I shall forward as soon as they can be prepared.

In the course of the interview, I stated to Mr. de Bruck, that I should t consent to the surrender of Koszta upon any conditions whatever, ithout the express orders of my government, and I proposed to him allow the prisoner to embark on board the first American merchant ip sailing from Smyrna to the United States, with the understanding at he should not land at any European port, or be furnished by the merican legation or consulate with a passport for any place out of the erritory of the United States.

At the suggestion of Mr. de Bruck, I repeated this proposal in my ply to his note, and it will be laid before his government by him.

Mr. de Bruck declared that Koszta came to Turkey as a political gent, but the only proof he adduced was the fact that he was known be in correspondence with persons in Austria, through a mercantile use at Marseilles. I have every reason to believe that this corres- ndence was of a strictly private character, and, as Mr. de Bruck ad- jtted, that Koszta was a person of no political importance, I am not ithout hope that the Austrian government will accept the proposal made to Mr. de Bruck.

In the meantime the Porte has formally protested against the seizure Koszta, and I will send a copy of the protest as soon as it can be opied and translated.

I have had several conversations on this subject with the minister of reign affairs, and with Ali Pacha, governor of Smyrna, at the time e affair took place. These distinguished persons are very far from xpressing any dissatisfaction with the course pursued by us. They stain the view the legation has taken of the legal character of the uestion, and Ali Pacha informs me, that a few years since the Aus- ian government refused to surrender to the Porte Turkish rebels who ad fled into Austria, on the very ground now taken by the Porte, amely: that the treaties did not provide for the extradition of political enders.

The internunciature has attempted to excuse the forcible seizure of oszta, by asserting that Ali Pacha had neglected to attend to its re- ated demand of his expulsion. This statement the Pacha utterly nies, and affirms that he never heard the name of Koszta until the y of his arrest, when the Austrian consul called to ask the Pacha's nsent to that act.

He states further, that the arrest was actually made an hour and a lf before the consul's application to him; though in making the appli- tion the consul thought proper to conceal that fact.

Mr. Lacour, ambassador of France, having been led to believe that slight modification of my proposal would lead to its acceptance by



the internuncio, communicated this information to me. And I, in accordance with his suggestion, called this morning upon Mr. de Bruck, and stated, that I was willing to agree that Koszta should be put on board the first American merchant ship sailing from Smyrna directly for an American port, by the French consulate, or by the Turkish authorities, under a stipulation, that if he voluntarily escape from the ship afterwards, the protection of this legation shall be withdrawn from him.

Mr. de Bruck said that upon reflection, he had concluded not to make any arrangement for the release of Koszta without previous instructions from Vienna, and I suppose, of course, the matter must remain in its present position some weeks longer.

There are at Smyrna, and elsewhere in Turkey, several refugees who emigrated to the United States under similar circumstances as Koszta, and who have returned, after taking the first step towards naturalization, some without passports, others with passports from American legations, consulates, or other authorities, describing them as American *affiliated* citizens; there are others who received from this legation, in 1849 and 1850, passports not noticing their nationality at all, but merely describing them as persons "emigrating to America," and which were given merely to enable the bearers to proceed to Smyrna or other ports, where passage could be taken for the United States; there is a third and much more numerous class, amounting probably to several hundreds, who came to Turkey in 1849, provided with passports from the American consulate at Rome, describing the bearers as citizens of the United States. Many of these latter passports have been sold or otherwise transferred from hand to hand, and none of those to whom they were issued have any claim to be regarded as possessing any other rights as American citizens than such as this consular declaration of nationality confers upon them.

We are likely to have difficult questions in regard to these persons. and I beg, as I have before done during the administration of the late President, general instructions as to the extent to which they are to be regarded as entitled to the protection of this legation. \* \* \*

Most respectfully, your obedient servant,

GEORGE P. MARSH.

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No. 50.

*Mr. Marsh to Mr. Marcy.*

CONSTANTINOPLE, *August 17, 1853.*

SIR: I have the honor to enclose, herewith, translations and copies of correspondence between the Austrian internuncio and myself, in relation to the case of Martin Koszta, referred to in my dispatch (No. 48) of August 4, 1853.

As to the delay complained of by Mr. de Bruck, I have to remark that Mr. Brown had, in the posture of the case, of which he was apprized on the 5th of July, and especially his frequent verbal communications

with the Austrian general, at Constantinople, who visited him repeatedly in behalf of the internuntiate, rendered a formal reply superfluous; and, for my own part, I delayed making any official communication to Mr. de Bruck, in the expectation that the Porte would take some energetic measure, which might render action on our part unnecessary.

The protest, if it may be so called, of the Ottoman government, a copy of which is annexed, forms a part of a long communication on another branch of the same general subject, and is couched in terms much less strong than I had hoped; but the present embarrassed condition of the political relations of the Porte explains, if it does not justify, the tone it employs.

I have prepared a communication to the Ottoman government, claiming its intervention; but have not yet presented it, and hope it may still be unnecessary to appeal to its sovereignty as a means of inducing Austria to consent to the release of the prisoner.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. W. L. MARCY,

*Secretary of State, Washington.*

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[Translation.]

BRUYUKDERE, July 28, 1853.

SIR: By my letters, dated June 27th and 30th, and July 3d, I claimed the intervention of Mr. Brown, then chargé d'affaires of the United States at Constantinople, to put an end to the obstacles which the captain of the American corvette St. Louis, stationed at Smyrna, interposed to the detention of Martin Koszta on board the Austrian brig Huszar. I did not neglect to sustain this demand by an exposition of facts, from which it results that Koszta had never ceased to be an Austrian subject, and, as such, was subject in Turkey to the jurisdiction of the Austrian authorities; and I observed that the declaration of his "intention of becoming a citizen of the United States," made by Koszta on the 3d of July, 1852, in presence of a notary at New York, a copy of which Mr. Brown communicated to me by his note of June 29, 1853, could not certainly make any change in Koszta's nationality, so long as the bonds which connect him with Austria have not been legally dissolved.

Mr. Brown having informed me, under date of the 3d of July, that my letter of June 30th had not reached him, and that he could not pronounce explicitly before the reception of that document, I hastened to send him a duplicate the next day.

From that time no communication has reached me on the part of the legation of the United States—the direction of which, sir, is now in your hands. I must accordingly beg you to communicate to me, as soon as possible, your final decision on the question still in dispute.

As you are no doubt apprized, Koszta is now in the custody of the French consulate at Smyrna, in virtue of an arrangement between our respective consulates, until the difficulties relative to the determination

of his nationality, and his rights to protection, shall be settled between the Austrian and American missions at Constantinople.

For my part, I can but reiterate the expression of my conviction, that Koszta has never ceased to be an Austrian subject; and that, according to the laws in force in Austria, and the laws of nations, neither his declaration "of an intention of becoming a citizen of the United States," nor the document, a copy of which was annexed to Mr. Brown's last letter, (by which a notary of New York declares that he considers Koszta an affiliated citizen of the United States,) are sufficient to give him American nationality, still less to deprive the imperial authorities of the right of jurisdiction over his person.

I must, consequently, insist that Koszta be surrendered to the Austrian consulate general at Smyrna, remarking, that in case you cannot adopt my conclusions, he must remain in custody of the French consulate until our respective governments have agreed on the question of his nationality.

Receive, sir, the assurance of my distinguished consideration,  
V. DE BRUCK.

To Mr. MARSH,  
*Minister resident of the United States of America.*



Therapia, July 30, 1853.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of July 28, (received yesterday,) and to offer the following remarks in reply.

I deem it superfluous now to enter into a minute examination of the question involved in the case of Koszta, both because it has been already discussed at some length by the internunciate and this legation, and because I am prepared to make a proposal, the acceptance of which by the internunciate would terminate the present inconvenient position of the affair, and leave any complaints either party may have to make against the authorities of the other, to be examined and disposed of by their respective governments.

At the same time, I deem it my duty to state very succinctly, my reasons for declining to comply with your excellency's demand of the surrender of the prisoner to the Austrian consulate at Smyrna.

I cannot admit your excellency's position, that any European power can legally exercise plenary general jurisdiction over its subjects upon Turkish soil; although I am aware that, in derogation of the principles of international law, a qualified jurisdiction has been granted by the Porte, for certain special and limited purposes, to the representatives of the Christian powers in Turkey. Neither the ancient capitulations, nor any modern treaty, confer such powers as are claimed by Austria; and it is notorious, that the Ottoman government denies that such rights have ever been granted.

That abuses of the rights really conceded have occasionally been winked at, is no doubt true; but the Porte has often protested against them, and it is confidently believed, that no legal authority can be

the public seizure of a Frank in the Turkish territory, by persons upon the verbal order of a European consul, and the assent of the Turkish authorities, or even the presence of a

seizure of Koszta then was as unlawful in essence as it was in the circumstances of its execution; his detention had nothing in the character of a legal imprisonment, and the American officers had no right to interfere which they would have had in any case of legal and illegal violence. The peculiar institutions, political relations and present circumstances of Turkey, imposed upon the official representatives of the American government the duty of protecting, by means in their power, every person entitled to any of the rights of an American citizen, against all illegal violence from whatever source proceeding.

Koszta was an American protege. The circumstances under which he came to the United States were equivalent to an emigration under a *Verdingsschein*. He had declared his intention of becoming an American citizen, not as your excellency supposes, before a simple notary in due form of law before a court of record. Visiting Constantinople for merely private and temporary purposes, and, under the laws of Turkey, passports and other protection of his Christian nationality. It will not be pretended that he could obtain such protection from the Austrian authorities. He had no inchoate rights as an American citizen, the extent of which it was left to the American authorities exclusively to determine. Both in the exercise of these rights, and under the general practice by which, from time immemorial, the legations representing Christian powers in Turkey exercise their discretion extended their protection to any Franks, other-protected, who asked the benefit of it, the American legation properly, upon Koszta's application, recognize him as a protege. For this purpose, he applied first to the consulate at Smyrna, and then to this legation, stating the purpose of his visit to Turkey, his intention of soon returning to the United States, and exhibiting evidence of his American nationality.

The legation and the consulate recognized the validity of his claim and gave him *teskereh* describing him as a citizen or protege of the United States; and he had returned to Smyrna for the purpose of going on board a ship for America, when his unlawful seizure by order of the Austrian consulate at that city, commenced the series of unfortunate events which almost inevitably resulted from that much to be regretted and which is hoped, unauthorized act of lawless violence.

It is now known, then, that the seizure and detention of Koszta were wholly unwarrantable, and that he is entitled to American protection. I cannot consent to his surrender to the Austrian consulate; and I trust your excellency will accede to the proposal I now make, for releasing him from the consulate general of France, as well as the internunciature of the American legation, from further responsibility and embarrassment in relation to this subject.

There is at present no American vessel of war in the Levant about to return to the United States; and I cannot, therefore, offer to commit the charge of a public officer for conveyance to America:

but at this season of the year there are frequent opportunities of communication between Smyrna and American ports by American merchant vessels. These vessels usually proceed directly to their destination, without touching at any intermediate port, and by one of them Koszta might readily be conveyed at once to the United States.

I propose, then, that he be permitted to avail himself of the first opportunity which shall offer of embarking on board an American ship direct for an American port, with the understanding that he shall not, unless compelled by shipwreck or other inevitable accident, land at any Turkish or European port, or be furnished by the American legation or consulate in Turkey with a passport for any place out of the territory of the United States.

I pray your excellency to accept the assurance of my distinguished consideration.

GEORGE P. MARSH.

His excellency BARON DE BRUCK.

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[Translation.]

BRUYNHIDERE, *August 4, 1853.*

SIR: In acknowledging the receipt of the note you were pleased to address me under date of July 30, in relation to the case of Martin Koszta, I regret to inform you, sir, that I can neither accept your proposal, nor recognize the soundness of the principles on which it is founded.

I must, consequently, refer the matter to the decision of our respective governments.

Receive, sir, the assurance of my distinguished consideration.

V. DE BRUCK.

Mr. MARSH,

*Minister resident of the United States of America.*

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*Translation of protest of Porte against the seizure of Koszta.*

The Hungarian refugee Martin Koszta, being only a political refugee, his highness (Ali Pacha) gave the strongest promises to have him arrested and sent out of the Ottoman empire; and it is hoped that your excellency will acknowledge that the conduct of the Austrian consulate, which, without giving any notice whatever of the same to the local authority of Smyrna, had him seized and conveyed on board an Austrian vessel of war, was certainly not a very regular preceeding. Consequently, after his excellency Chebib Effendi, who has been sent by the command of his imperial Majesty to investigate this matter, arrives at Smyrna, he will ascertain the truth of the proceeding, and the Sublime Porte will be compelled to demand of the justice of the imperial Austrian government, reparation for the conduct of the said consul general.

No. 54.

*Mr. Marsh to Mr. Marcy.*CONSTANTINOPLE, *September 13, 1853.*

SIR: Ali Pacha, late grand vizier of the Ottoman empire, has drawn my attention to the treaty of Belgrade between Turkey and Austria, some of the provisions of which were relied upon by the latter power in the negotiations of 1849-'50, relative to the extradition of the Hungarian refugees.

It will be seen that those provisions, (articles 18 and 19 of the treaty,) of which I enclose a copy, lend no countenance to the claim of the right of seizure set up by the Austrian government; and I am informed that the Porte does not consider the words translated, "as embracing refugees accused of offences of a proper *political* character, but interprets them as referring to persons guilty of lawless acts of defiance of their own government, committed for merely private ends.

The case of the refugees of 1849, seems to have been nearly identical with that of Michael Gaski provided for in the 19th section, and in conformity with the principle adopted in that case, Rormble and his companions were assigned a residence "remote from the frontier provinces."

I have the honor to be, most respectfully, your obedient servant,  
GEORGE P. MARSH.

HON. W. L. MARCY,  
*Secretary of State.*

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No. 53.

[Translation.]

*Copy of the 18th and 19th articles of the treaty of Belgrade between the Ottoman Porte and the Emperor of Austria.*

ART. 18. It shall be prohibited henceforth to give asylum and shelter to evil persons, to rebellious subjects, and to malcontents; but each of the contracting parties shall be obliged to punish these kind of people, as well as all thieves and brigands, even though they should be the subjects of the other party, if it surprises them within the territory of its jurisdiction. That, if such people cannot be seized, they shall be pointed out to the captains and to the governors of the places where they lay concealed, and orders shall be given to them to punish the same; that if said officers neglect to punish these kind of malefactors, they shall incur the indignation of their emperor; they shall be deprived of their employment, or they shall be punished for the guilty. And in order that there may be greater security against the insolence of these wicked persons, it shall not be permitted to either of the contracting parties to maintain what are called *Haydones*, a species of robbers, who

not being in the pay of any one, exist by plunder. These kind of people, as well as all those who shall give them food, shall be punished, and although they may promise to amend, they shall not be trusted; they shall be removed from the borders and transferred to more distant places.

ART. 19. And lest the safety of the frontier and the tranquillity of the people might be subjected to some attacks, the places which the Ottoman Porte shall designate for the residence of *Michel Gaski*, and other Hungarians, who have withdrawn themselves from their allegiance to the Emperor of the Romans, (*sic* in original,) and who, during the war, have sought an asylum with the Turks, shall be removed from the frontier provinces. It shall, however, be permitted to their wives to join them and to remain with them.

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No. 55.

*Mr. Marsh to Mr. Marcy.*

CONSTANTINOPLE, September 14, 1853.

SIR: I have the honor to report to you that I have just had an interview with the Austrian internuncio, and that he informed me that his government had authorized him to accept my proposal for the release of Koszta, and his return to the United States, upon the condition stated in my dispatch (No. 48) of August 4, 1853.

M. de Bruck promised to make me a written communication on the subject to-morrow, but I shall not probably receive it in time to accompany this dispatch with a copy of it.

I learn that there are now in Smyrna several American vessels about to sail for ports in the United States, and I trust, that in arranging the details with Mr. de Bruck, no difficulty will arise of a nature to prevent the embarkation of Koszta by one of them.

I suppose Koszta is possessed of some funds, but if he proves to be destitute, I hope the instructions I gave Mr. Offley to pay his passage, and draw on me for the amount, on account of the contingent fund of this legation, will not be disapproved by the government.

I deem it due to Mr. de Bruck, to say that he has throughout manifested a conciliatory disposition in this affair, and that I have no doubt he advised his government to accept the arrangement proposed by me.

I have the honor to be, your obedient servant,

GEORGE P. MARSH.

Hon. W. L. MARCY,

*Secretary of State.*

*Mr. Brown to Mr. Marcy.*

SMYRNA, September 23, 1853.

SIR: I have the honor to report to you that I came to this place on the 21st instant, under instructions from the minister resident, to superintend the execution of the convention made by him with the internonce Austria, at Constantinople, for the departure of Mr. Martin Koszta for the United States, in an American merchant vessel, leaving directly for the ports of their ports.

You are aware that the Austrian consul general at this place consented to the disembarkation of Mr. Koszta from the Austrian brig-of-war "Huszar," on the condition stipulated with the United States consul, that he should be confined in the prison of the French consulate, at the expense of the Austrian consul, and that consequently, the captain of the "Huszar" had him conveyed on shore in irons, for the purpose thus being placed in the French prison. The humanity of the French consul preserved him against a convention of so rigorous a character, and he was therefore only placed in the hospital of his consulate, freed from fetters or other dishonorable restraint.

I believe I need not state the conditions of the convention for his final release and departure for the United States, recently made between the minister resident and the Austrian internonce, as the same will, doubtless, have been already fully communicated to you by the former. The charge confided to me has not been sought for by me, yet it is to me a very agreeable duty. I supposed on my arrival that it would have been carried into effect without any delay, and that I should have returned to the capitol in the course of a few days. In this expectation, however, I have been disappointed, and I would now respectfully apprise the department of the cause of the non-execution of the convention made by my superior, as follows:

In the agreement stipulated between the United States and the Austrian consul, the French consul consented not to release Mr. Koszta, except on the *joint demand* of the two former consuls. From motives of which I am unable to perceive either the wisdom or utility, and which I leave him to justify to the department, the consul of the United States has refused to give *his* signature to the demand for Mr. Koszta's release, and thus opposed the execution of the arrangement made by the minister for his relief. I have communicated the circumstance to the minister, and await his further instructions.

The French consul is desirous of being relieved, as early as practicable, from the charge of Mr. Koszta, and he, as well as the public here and in Constantinople, will feel gratified when he is actually on board of an American vessel sailing direct to the United States. His case, as it is, and still excites, no ordinary interest here, and his freedom will be earned by every one with warm commendations in favor of the government which has saved his life.

I have the honor to be, sir, with great respect, your obedient servant,

JOHN P. BROWN.

Hon. WILLIAM L. MARCY,

*Secretary of State of the United States.*



*Mr. Marsh to Mr. Marcy.*

CONSTANTINOPLE, October 3, 1853.

SIR: I regret to state that the arrangement I had made with the Austrian internuncio, for the release of Martin Koszta and his return to the United States, has been defeated by the refusal of Mr. Offley, American consul at Smyrna, to consent to his release, and of Koszta to accept it, upon the terms agreed upon.

The terms proposed by me have been already communicated to you, and I annex hereto a copy of Mr. de Bruck's letter of acceptance of those terms, marked A.

You will observe that Mr. de Bruck states, that he is authorized to "regulate the arrangements relative to the prisoner's release according to the offer made by me," and that, in a subsequent part of his note, he adds: "The imperial government, however, reserves to itself to proceed against this person, according to its rights, in case he should be found in the Ottoman territory."

I did not consider this reservation as a part of the agreement, or as having any other force than simply as a notice that, by consenting to the release of the *person*, Austria did not intend to be considered as surrendering the *principle*, or as waiving her *legal rights*, whatever those might prove to be, in case Koszta again came within what she claimed as her jurisdiction; nor, indeed, could I expect that, in a correspondence *with this legation*, anything beyond the simple release of the individual would be conceded.

I therefore replied to Mr. de Bruck, that the conditions stipulated would be adhered to by the American authorities, and I annex hereto a copy of my reply, marked B.

On the 19th of September I addressed Mr. Offley a letter of instructions, a copy of which is annexed and marked C, and I instructed Mr. John P. Brown, secretary and interpreter of this legation, to proceed to Smyrna, in order that, in case any difficulty should occur in carrying out the arrangements for Koszta's embarkation, a person upon whose discretion and fidelity I could rely, might be at hand to aid in behalf of the legation. I annex a copy of my instructions to Mr. Brown, marked D, and of a note addressed by me to Mr. de Bruck, dated September 19, 1853, and marked E. On the 25th of December I received from Mr. Offley a letter, a copy of which is annexed, and marked F. To this letter I replied by a note, a copy of which is annexed, and marked G; and on the 29th of September I received another letter from Mr. Offley, copies of which and its enclosure are also annexed, and marked respectively, H and I.

In pursuance of my instructions, Mr. Brown repaired to Smyrna, and did his utmost to persuade Mr. Offley, as well as Koszta, to consent to the terms proposed by me and accepted by Mr. de Bruck, but in vain upon information of which, I obtained from the French ambassador an order to the consul general of France at Smyrna, to make all necessary arrangements directly with Mr. Brown. Mr. Brown accordingly commenced a negotiation with the French consul general for that purpose but Koszta acting, as I have reason to believe, solely upon the advice of Mr. Offley, peremptorily refused to embark upon the conditions

agreed upon; and Mr. Brown, after a stay of near two weeks at Smyrna, returned to this city, leaving Koszta in the hands of the French consul general.

During Mr. Brown's stay at Smyrna, three American vessels sailed from that port directly for the United States, two of which would have taken Koszta as a passenger; and I had authorized Mr. Brown to pay his passage on account of the contingent fund of the legation, Mr. Offley having represented him as destitute of funds.

You will recollect, sir, that in the outset of this affair, Mr. Offley came to the conclusion that Koszta was not entitled to the protection of the consulate, and that it was only upon the correspondence with Mr. Brown, then acting as chargé d'affaires, that Captain Ingraham felt himself authorized to interfere in behalf of the prisoner. Mr. Offley ought not, therefore, to have stipulated that his release from the custody of the French consul general should depend on the consent of the American consulate. I should have disapproved of this at the time as the assumption of an authority properly belonging to the legation; but the agreement between the consulates having been executed before it was known to the legation, it was too late to make the objection.

But however this may be, it is evident that the whole affair came within the proper authority and jurisdiction of the legation; and the consul, whatever his opinion of the expediency of the terms might be, was bound by the instructions of the minister.

The conditions agreed upon were certainly the best that could be obtained by any negotiations *here*, whatever might have been the result of a diplomatic correspondence between the two governments; and knowing, as I did, that it was doubtful whether the French government would allow its consulate, at Smyrna, to continue to protect the prisoner until the matter could be arranged between the governments of the United States and of Austria, I should have thought myself justified in accepting terms even less favorable to Koszta than those agreed upon between Mr. de Bruck and myself.

These terms had been communicated to both Mr. Offley and to Koszta; both had expressed their satisfaction with them, and the only objection now made is to the reservation, which neither can or was intended to give to Austria any rights over Koszta which she would not have had without it.

I refrain from any observations on Mr. Offley's conduct or motives in raising unfounded difficulties, and refusing to obey the instructions of the legation; but I cannot forbear to remark, that it is of much consequence to the disposition of the legation with the Porte, and with the representatives of the Christian powers at Constantinople, that it be sustained in the exercise of its lawful authority and prerogatives. I submit, too, that, under the circumstances of the case, I was justified in making the best arrangement I could with the Austrian internunciature, without waiting for instructions which might arrive too late to save the prisoner, and that the Austrian government has a right to expect that the agreement thus entered into shall be faithfully observed.

Your instructions of the 26th of August were not received until the 26th of September, when it was too late to avail myself of them, and it would now be to no purpose to Mr. de Bruck, who is acting under

special instructions, any modifications of the terms agreed upon between him and myself.

The French consul general complains of the inconvenience to which the custody of Koszta subjects him, and the French ambassador has repeatedly expressed a strong desire that the consulate general be relieved from the responsibilities and embarrassments in which it is placed by the present posture of the affair. The consul general has declared that he would protect him no longer, and I can undertake to form no opinion as to the consequences, in case Koszta is discharged from custody by him.

The information asked by your unofficial letter of the 26th of August, will be furnished as soon as it can be collated, which will be, I hope, in time for the next French post; and I take this occasion to acknowledge the receipt of your dispatch, and to add that upon its arrival I delivered it to Mr. Brown, in order that he might prepare a reply to Mr. Offley's complaints against him. This he omitted to do for the time, because he had, on the        of May, forwarded you a full report on the subject by the hands of Mr. E. Lamb, a merchant of Boston, who was then returning to the United States. We have very recently learned that Mr. Lamb has not been heard of since the 12th of June, when he left Paris, and the report probably never reached the department. Mr. Brown will immediately prepare a copy of it, with any additional explanations that may seem required, and it will be transmitted to you without delay.

In addition to the communications referred to in the first part of this dispatch, I annex, for the fuller information of the department, a copy of a note from Mr. de Bruck to myself, dated September 16, 1853, marked J; a copy of a letter from Mr. Offley, dated October 1, 1853, marked K; and copies of two communications from Mr. Brown, marked respectively L and M.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

HON. WILLIAM L. MARCY,  
*Secretary of State.*

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A.

[Translation.]

BUYUKDERE, September 14, 1853.

MR. MINISTER RESIDENT: In my letter of the 4th of last August, which I had the honor to address you in reply to your communication of the 30th of July relative to the Koszta affair, I informed you, Monsieur le Ministre, that I had been under the necessity of asking for instructions from the imperial cabinet before I could explain myself on the subject of the propositions enclosed in the communication aforesaid.

In the meanwhile direct negotiations have been set on foot between the two governments, concerning the occurrences that have taken place since the arrest of that individual at Smyrna, and which, as you

are aware, have not yet been brought to a close. Nevertheless, as the imperial government does not desire to confound the individual with the cause, has just authorized me to come to an understanding with you, Monsieur le Ministre, in regard to the release and transportation of Martin Koszta to America, and to settle the arrangement relating to the same, according to the offer you had previously made me:

Consequently, Koszta will take passage at Smyrna, under the superintendence of our respective consular authorities, on board a vessel of war of the United States, or, in default of which, in one of the American merchant vessels that frequently visit said port at this season of the year, at the moment such vessel is on the point of sailing on her direct voyage to America, without touching at any of the intermediate ports, except in the case of great damage sustained, or some other marine accident. Koszta to be provided with an American passport, expressly prohibiting him from changing his route, or to leave the vessel before she reaches America. The imperial government, however, reserves itself to proceed against that individual, according to its rights, the moment he is again surprised on Ottoman territory. As this arrangement coincides with your propositions, I expect from your civility, Monsieur le Ministre, that you will have the kindness to send proper instructions to Smyrna, and communicate the same to me, in order that I may give a similar order to the consul general at that port.

Accept, Monsieur le Ministre, the assurance of my distinguished consideration.

DE BRUCK.

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B.

Therapia, September 15, 1853.

SIR: I have the honor to acknowledge the reception of your excellency's note of yesterday announcing the acceptance of the proposal made by me for the release of Martin Koszta and his return to the United States, and to reply that the conditions recited in your excellency's note will be faithfully observed by the authorities of the United States.

I was mistaken in supposing that the French steamer would sail for Smyrna on Friday. To-day, being the 15th, is her day of departure, and as there will not be time to prepare the necessary instructions for our respective consulates this morning, I purpose to send a special messenger to Smyrna by the Austrian steamer of Monday next, and hope it may suit your excellency's convenience to prepare such instructions as are deemed necessary for the Austrian consulate in the meantime.

In conclusion, I take pleasure in saying that I believe my government will find in the readiness with which his imperial Majesty the Emperor of Austria has acceded to the proposed arrangements, and I beg leave to add, in the conciliatory course pursued by your excellency in this unfortunate affair, a gratifying proof of the friendly spirit and

the moderation of the Austrian government and its authorities ; and I trust the points of difference yet remaining between the two governments will be arranged in a manner entirely compatible with the dignity and honor of both.

I pray your excellency to accept the assurance of my distinguished consideration.

GEORGE P. MARSH.

His Excellency the **BARON DE BRUCK**,  
*Internuncio of his Majesty the Emperor of Austria.*

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C.

CONSTANTINOPLE, *September 19, 1853.*

SIR : You have already advised that M. Baron de Bruck had accepted my proposal for the release of Koszta, and the following extract from the internuncio's letter specifies the terms of the agreement :

“ Koszta prendra passage à Smyrna sous les surveillance de nos autorités consulaires respectives à bord d'un bâtiment de guerre des Etats Unis, où, à défaut, sur un navire marchand Americain, qui visitent dans la saison actuelle frequemment le dit port, au moment où celui mettra son voile, pour se rendre directement en Amerique, sans toucher aucun port intermédiaire, excepté le cas d'une grave avarie où d'un autre accident de mer. Koszta devra être muni d'un passeport Americain, que lui defend expressement de changer de route où de quitter le bâtiment avant que celui-ci ne soit arrivé en Amerique.

Le gouvernement imperial se reserve cependant de procédes contre cet individus conformément à ses droits, dès qu'il serait surpris une autre fois sur le territoire Ottoman.”

You will recollect that in my dispatch of August 4, I stated it to be one of the conditions of my proposal that if Koszta voluntarily landed in Turkey, American protection should be withdrawn from him.

You will now make the necessary arrangements for Koszta's embarkation and passage to the United States, in conformity with the terms of the foregoing arrangement ; and you will take from Koszta a writing testifying his full and free agreement to the terms above stipulated. I send herewith a passport to be duly vized and delivered to him at a proper time, and I renew the expression of my earnest desire, that neither at nor before the time of his embarkation, any public demonstration or meeting of any sort in relation to this matter be allowed to take place, if it is in your power to prevent it.

In case of any doubt or difficulty in arranging the details with the Turkish authorities, the French consulate, or Mr. Weichbechen, you will consult Mr. Brown, who will deliver you this, and you will act in the whole matter under his general direction.

I remain, &c.,

GEORGE P. MARSH.

E. S. OFFLEY, Esq.,  
*United States consul, Smyrna.*

## D.

CONSTANTINOPLE, September 19, 1853.

SIR: You are already advised that the Austrian internuncio has signified to me his acceptance of my proposal for the release of Martin Koszta, and his return to the United States. I deem it highly expedient that the arrangements for this purpose be made under the supervision of an officer of this legation, and I request, accordingly, that you will proceed to Smyrna, and give Mr. Offley such aid and directions as he may need in carrying out the general instructions I have given him.

My letter to Mr Offley, which I communicate to you herewith, contains the terms agreed upon by Mr. de Bruck and myself, and I leave the arrangements for executing them entirely to your discretion.

Your expenses, of which you will keep an account, will be paid out of the contingent fund of the legation.

I am, sir, &c.,

GEORGE P. MARSH.

J. P. BROWN, Esq.,

*Secretary interpreter, United States legation, Constantinople.*

## E.

THERAPIA, September 19, 1853.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 16th instant, and to say in reply that I have communicated to the American consul at Smyrna the terms agreed upon between your excellency and myself for the return of Martin Koszta to the United States, and given him general instructions to make the necessary arrangements in conformity with the terms proposed by me and accepted by the internunciature.

I have entered into no detail in my instructions further than to say, that it is my particular request that no meeting or public demonstration in occasion of this affair be allowed to take place; and I have referred the consul, in case of any difficulty in arranging the details with the Austrian consulate, or with that of France, or the Turkish authorities, (which, however, I have no reason to apprehend,) to Mr. Brown, secretary interpreter of this legation, who proceeds to Smyrna by the Austrian steamer of to-day, and whom I have authorized to act in my behalf in the matter.

The passport furnished Koszta is in the usual form, and filled up as follows:

“Martin Koszta se rendrait aux Etats Unis d'Amerique, à bord du navire Americain le                    qui part incessamment de Smyrne directement pour le port de                   . Et il est expressément defendu au dit Martin Koszta de changer de route ou de quitter le batiment avant que celui-ci ne soit arrivé en Amerique excepté le cas de naufrage ou autre accident en mer.” I pray your excellency, &c.,

G. P. MARSH.

H. E. BARON DE BRUCK,

*Internuncio of H. I. M., the Emperor of Austria.*

F.

UNITED STATES CONSULATE,  
Smyrna, September 23, 1853.

SIR: I have had the honor to receive from Mr. J. P. Brown your dispatch of the 19th instant, wherein you transmit an extract from the internuncio's letter specifying the terms of the agreement entered into by you and Mr. de Bruck, in regard to the release of Mr. Koszta.

Allow me, sir, to make some remarks relative to the above agreement which have induced me to inform Mr. J. P. Brown that I abstain from giving my assent for Koszta's removal from the French hospital.

I particularly notice the following paragraph of the agreement.

"Le gouvernement imp. se reserve cependant de procéder contre cet individu conformément à ses droits dès qu'il seroit surpris une autre fois sur le territoire Ottoman."

This reserve made by the Austrian government to proceed against Mr. Koszta in *conformity with its rights*, whenever he may again be found on the Ottoman territory, confirms the pretension of Austria, so loudly proclaimed by her to all Europe, that our conduct was an arbitrary one, and consequently that our claims on Koszta were ill founded. To accede to this agreement would be therefore a disavowal of our conduct, by our own free will, and before our government has pronounced thereon, at least to our knowledge. Mr. Brown having told me that the legation had not received, up to the 17th instant, any news from the State Department relative to this question.

As I had the honor of remarking after Koszta's rescue, if we had the right of acting as we did, we ought to uphold the principle on which we acted, unless we should receive contrary orders from the Department of State. As the signer of the convention, I do not feel authorized to give my consent to the agreement, when it is against my own conviction; when I firmly believe that the paragraph in this agreement so closely touches the feelings and character of our country. Under similar circumstances I would rather prefer being disapproved for an excess of zeal than submit the character of my country to a condition, that in my opinion and conviction does not reflect to its credit. Further, as a point of right, our conduct has not been merely supported by public opinion in the United States, by the Hon. Judge Douglas, but also by every *independent* newspaper in Europe. Moreover, after the dispatch I have received from the State Department in answer to my report on Koszta's case, it seems to me requisite to postpone any further action until we hear again from our government. The dispatch is dated the 13th of August, as follows: "Your interesting dispatch under date of July 5, marked 'duplicate,' has been received, and the important questions to which it gives rise are now under grave consideration." Whereby I naturally infer that the Hon. Secretary of State will, most probably, and on an early opportunity, give his instructions and views on the matter.

I requested from Mr. Brown to be informed, if he knew, how far you were bound by the agreement passed between yourself and Mr. de Bruck, and he seemed not to know, as he gave me evasive answers;

that it is apparently conditional, as it depends on Koszta's acceptance of the conditions mentioned in your above dispatch. Therefore the dignity of the legation cannot suffer by the non-execution of the same, by a postponement thereof. Further, having read to Koszta the terms above referred to, he replied that if he were to sign such a writing with a paragraph to which I have already referred, it would not be with a "full and free agreement," but if, he added, the agreement is approved by the United States government, he would then unhesitatingly so.

I shall also take the liberty to add, that as the above agreement has been sent by Mr. de Bruck to his government for its approval, it seems to me but rational that, under the circumstances, it should also be submitted to our own for the same purpose. I shall send, by the first mail, the Hon. Secretary of State, copies of our correspondence on the subject, and will await his instructions thereto.

I have the honor to be, your obedient servant.

E. S. OFFLEY.

P. S. The Austrian consul general has just called on me to have an understanding as to the means of embarking Koszta. I informed him that I deem it my duty to lay some remarks before the legation referring to the agreement, and that, consequently, we will on a future day arrange the details aforementioned.

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G.

CONSTANTINOPLE, September 26, 1853.

SIR: Your letter of September 23d did not reach me till late last evening, after the departure of the Austrian post for Smyrna.

It is with extreme regret that I perceive you have allowed unfounded suppositions to embarrass a question which is attended with much more difficulty and delicacy than you appear to be aware of. In communicating to you my proposal to Mr. de Bruck, on the 30th of July and 1st of August, I stated it, as one of the conditions, that if Koszta voluntarily left the ship, our protection should be withdrawn from him. The ground on which I did this was my conviction that, if he were at liberty, the Turkish government would expel him from the country; or, if he resisted in remaining, would allow the Austrian authorities to seize him. I am not advised that Koszta made any objection to these terms; but, on the contrary, your letters give me reason to suppose that he was satisfied with them.

You totally misapprehended the legal effect of the passage cited from Mr. de Bruck's letter. The "rights" of Austria are her *legal* rights, and these are neither enlarged nor restricted by this reservation. If she has a legal right to seize him in the manner he was seized, we are in no way wrong in resisting the seizure, and should be equally so in resisting if attempted hereafter. His return to Smyrna would give Austria no new rights, nor was this reservation inserted with a view to claim any such. The reservation is no part of the *agreement* between Mr. de Bruck



and myself, and it merely serves to indicate that, by consenting to the release of the *person*, Austria does not intend to be considered as waiving the *principle* for which, though desired by us, she has contended, and still contends, namely, the absolute legal jurisdiction over all those whom she claims as her subjects in the Turkish empire. It is not to be expected that, in corresponding with the *American authorities abroad*, the Austrian officials will yield any question of principle. All such are reserved for discussion between the two governments, and I can ask no modification of the conditions proposed and deliberately agreed upon. On the other hand there is no assent, on our part, to the principle insisted on by Austria; no admission that Austria can lawfully exercise the rights she claims in case of Koszta's return. My proposal before, in substance communicated to you, and which I understand to be satisfactory to Koszta himself, contained no such condition. Mr. de Bruck, in accepting my proposal, says he is authorized "à régler l'arrangement y relatif d'après l'offre que vous m'avez fait."

I cannot follow your argument further, and it is enough to say that you have entirely misconstrued the object and legal meaning of the reservation under discussion.

I have received full instructions from the government of the United States on the subject, and, upon due consideration, I have to say that no other terms of release will be proposed by me than those already agreed upon, and that Koszta must accept them, if he expects further aid and countenance from this legation. The responsibility of declining them, and of all the consequences of that step, must rest upon himself; and, unless I receive immediate notice that he accedes to them, I shall inform the Austrian internuncio, and the French embassy, that he refuses to avail himself of the favorable arrangement made in his behalf.

With respect to the written assent of Koszta, it should be remembered that it is a mere matter between himself and the legation, and is not intended to be communicated to the internunciature or government of Austria.

There are, as I have already hinted, many difficulties and embarrassments attending the question; and I hope Koszta will not have the folly to aggravate them, by a refusal to accede to terms which are certainly the best that Austria, not to mention other governments more or less directly concerned in the question, will consent to.

I now repeat my instructions, that in case of further difficulty, you are to be guided by the direction of Mr. Brown, if still at Smyrna.

I am, sir, &c.,

GEORGE P. MARSH.

E. S. OFFLEY, Esq.,  
United States consul, Smyrna.

## H.

U. S. CONSULATE,  
*Smyrna, September 26, 1853.*

SIR: I had the honor of addressing you on the 23d instant, in answer to your dispatch dated the 19th of the same month, relative to Mr. Koszta, and I now beg to enclose herewith a copy of a note which I have since received from him, dated the 24th instant, wherein he gives his reasons for refusing to sign the writing you requested of him, testifying his consent to the terms of the agreement passed between yourself and Mr. de Bruck, and wherein he requests me to forward the same (the agreement) to the United States government for its approval, which I shall do by to-morrow's French mail.

I have the honor to be, sir, your most obedient servant,

E. S. OFFLEY.

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I.

[Translation.]

SMYRNA, *September 24, 1853.*

SIR: You have had the kindness to inform me of the arrangement made in my behalf by his excellency Mr. Marsh with the Austrian minister at Constantinople, the last clause of which charges you to obtain from me written evidence of my full and entire consent to all the terms of that arrangement.

By this convention, the right which Austria pretends to have to cause political refugees on Turkish territory to be pursued and seized is openly avowed. Austria never had such right in Turkey, and even lately, the public opinion of the English and French governments has disputed this pretended right.

I am obliged to give a reversat\* (to pledge myself) never to return to Turkey, and the moment I am again found upon Ottoman territory, the Austrian government reserves itself to proceed against my person according to its rights. Thus, by this arrangement, his excellency again gives a right to Austria which she does not possess at present, and guaranties rights which he disputes himself at this day, which will never be recognized by Turkey, and which will always be disputed by England and France.

When I left for America, no one forbid me to return to the country whose government has tendered its hospitality to all those who in 1849, on account of their misfortunes, have asked its protection. And shall this now be forbidden me? Shall I be prohibited from returning to Turkey as an American citizen? Thus again this convention seeks to accomplish more yet: it forbids an American citizen to return to Turkey, and gives a right to Austria to cause an American citizen to be seized. At such a price I can accept neither life nor liberty. Never

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\* "Donnez un reversat,"—unintelligible.—Translator.

will I give my consent to an arrangement which strikes a blow at the sovereignty of an American citizen.

These are the reason, why I cannot give you to-day my written consent; and I beg that you will have the kindness to send this convention to America, and if the American government approves of it, I, who am so grateful, so much indebted to the government and the people of America, I shall deem it my duty to sign it without any further hesitation.

Be pleased, in conclusion, to accept my compliments, and I am, &c.,  
MARTIN KOSZTA.

Mr. E. S. OFFLEY,  
*United States consul at Smyrna.*

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J.

[Translation.]

BUYUKADERE, *September 16, 1853.*

MONSIEUR LE MINISTRE RESIDENT: I have had the honor to receive the note you were pleased to address me yesterday, and I hasten to testify to you the pleasure I have experienced, on account of the obliging manner with which you have appreciated the decision of the imperial cabinet, which I communicated to you in my letter of the 14th of this month.

Nothing remains for us, therefore, than to provide the most proper means for carrying out the arrangement upon which we have agreed, concerning the transportation of Martin Koszta to America, in a manner suited to the dignity of our two governments, and to the consideration they mutually owe each other.

I shall confide the execution of this task to the consul general of Austria at Smyrna, and my instructions in relation to it will be forwarded to him on Monday next, by the Austrian, steamer, without the aid of a special messenger, and they will be confined to recommending him to select, in concert with the person deputed by you to superintend the embarkation of Martin Koszta, the moment and the place, the most proper to avoid giving any fresh publicity to an affair which has already gained a degree of notoriety that cannot be sufficiently lamented.

Relying upon the delicacy of your sentiments, I have no doubt but that you will hasten to give your co-operation to that effect, and I beg, Monsieur le Ministre, that you will accept the renewed assurance of my distinguished consideration.

DE BRUCK.

K.

UNITED STATES CONSULATE,  
*Smyrna, October 1, 1853.*

SIR: I had the honor to receive on the 30th ultimo, your dispatch under date of September 26, and I now beg to enclose a copy of a dispatch that I have just received from the honorable Secretary of State, dated the 31st August, on the subject of Koszta, which comes in support of the remarks contained in my letter of the 23d instant, relative to the terms of the agreement between yourself and Baron de Bruck for Koszta's removal from the French hospital.

I regret that I did not receive by to-day's boat an acknowledgement of my dispatch of the 26th instant, wherein I transmitted you a copy, of a letter from Mr. Koszta, in which he states his reasons for refusing to give his consent to the terms of the above agreement, and wherein he requests me to submit to the United States government for its approbation, which I have done, especially as I hoped you would have consented to this delay, which, in my opinion, he has the right to expect.

I shall take the liberty to remark, that after the perusal of the above dispatch from the Secretary of State, the legation cannot refuse to Koszta its further aid and countenance, and that the threats of Mr. J. P. Brown to Mr. Koszta, "that the protection of the United States shall be withdrawn from him, and that the French consul will kick him out of the French hospital, should he continue to refuse to leave for the United States on the terms mentioned in the agreement," could not be put into practice, without an infraction on the rights of men.

Mr. Koszta begs me to inform you that he continues to keep good his engagement towards you, for leaving Smyrna on the terms mentioned in your letter of the 4th of August last, which did not contain the proviso of the Austrian government, relative to the reserve it makes of its right to proceed against him whenever he is again found on the Ottoman territory, which I trust you will be able to obtain.

I have the honor to be, sir, your obedient servant,

E. S. OFFLEY.

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L.

SMYRNA, *September 23, 1853.*

SIR: In compliance with your instructions, I have come down to this place, and the day before yesterday (the 21st) having learned that an American bark, the "Mimosa" would probably leave that same day, I proceeded, at an early hour after my arrival, to call upon the United States consul, and deliver him your letter of instructions for him, with which you charged me on the subject of the departure of M. Koszta for the United States.

Mr. Offley, during my interview with him, objected to the execution of your instructions, until he could hear from the United States. He disapproved of a part of the letter of the Austrian minister to you, (embraced in yours to the consul) in which it is stated that in case Mr.

Koszta "should return to this country, the Austrian government would proceed against him according to its rights." I told him that I differed from him in his view of this reservation, and urged him to carry out your instructions without any unnecessary delay. He informed me that the "Mimosa" could not take him, and that he had already proposed it to the captain and been refused. During his interview, he showed me a dispatch from the Department of State, dated the 30th of August, acknowledging the receipt of the duplicate of his "interesting communication" of the 5th of July, and adding that its contents were under "grave consideration." He spoke to me of another dispatch received by him of an earlier date, reproaching him for not having addressed the department on the subject of the affair at Smyrna. He also said that he had received, in private, information from Washington, stating that the affair had received the President's approval. Beyond this, I did not learn from him that he had received any further information or instructions from Washington respecting the wishes of the President. He appeared, however, to expect soon to hear from the government himself. Mr. Offley told me that the "Race Horse" would sail on the 24th for Boston, and I hoped he would decide to take the proper measures for carrying your convention into execution. He asked me what I thought he should do to execute your instructions, and I told him that he should address a letter to the Austrian consul expressive of his readiness to effect the arrangement entered into between yourself and the Austrian minister, and on receiving a proper reply, to engage a passage for Koszta in the "Race Horse."

I explained to Mr. Offley, that I was not aware that in your arrangement with the Austrian minister, you had admitted any rights over Koszta, nor that the minister had admitted your possession of any over him; that these points would be elucidated in the discussion which, doubtless, was now being made between the American and Austrian governments; that if the latter proves unable to make good its "rights" over him, which, of course, was our expectation, it would possess none hereafter over him; so that the paragraph in question would be well, should Mr. Koszta at any future period ever return to Turkey.

Mr. Offley did not communicate with me again on the subject until this morning, when he called to see me at the hotel where I am staying. He brought with him a letter dated yesterday, and I was much surprised and pained to learn from him that he would not consent to the removal of Koszta from the French hospital agreeable to your instructions. I again urged him to be governed by your views, but without success, he saying that he felt the honor of his country was in *his* hands, and he would not consent.

As, by the agreement entered into between Mr. Offley and the Austrian consul general of Smyrna, Koszta could not be released from the French consul's charge, except on the *joint* demand of both these consuls, I do not deem it proper to take any steps, myself, for carrying out your agreement with the internuncio, until I can hear further from you. I do not know that the French consul could, under the circumstances, deviate from his engagement, without an order to that effect from his own ambassador. I had thought of returning, at once, to Constantinople, but have concluded it best to wait here your further orders. The

"Race Horse" will not sail, I believe, before next Wednesday, and I may, in the meantime, hear from you.

The Austrian consul general, so Mr. Offley has informed me, sent twice to him yesterday, to offer to carry out the agreement made by you. Mr. Offley has also been to see Koszta, and tells me that he will not give the paper desired by you, expressive of his consent and approval of your convention, and of his willingness to proceed to the United States; I cannot, however, say that he has actually refused to give one.

I feel that the objections made by Mr. Offley, if persisted in, will greatly embarrass you with the Austrian minister. To be thus thwarted by him, in a matter of so delicate a nature, will place the legation in an unpleasant light. I do not see any utility to grow out of it; for, supposing that the two governments discuss the question of Koszta's nationality, and their respective (supposed) rights over him for a year to come, and this without either convincing the other that it has no "rights" over Koszta, it seems to me that it would, in the meantime, be much better for him and the French consul, as well as for public opinion, that he should thus have been given up to us and put on board an American vessel, with an American passport. I can scarcely believe the President will send a ship-of-war expressly to take him by force from the French consul's charge. The arrangement which Mr. Offley himself made with the Austrian consul general here, when Koszta was put on shore from the Austrian brig-of-war, struck us as sustaining no right whatever on the American side. It sent him to the French *prison*, where he was to be confined at the expense of the Austrian consul general. And, moreover, I cannot forget that Mr. Offley, when he originally wrote to me from this place about Koszta, wholly abandoned him as one not having any rights to the protection of our government, and that it was only on my own decision and instructions that he acted upon my demand for his release. I may add, also, that on my instructions Commander Ingraham effected Koszta's freedom from the Austrian brig. Now, however, it is the legation (according to Mr. Offley) that has not a proper sense of the honor of our government and country, but both exist wholly with him.

Mr. Offley did not come to see me yesterday, and I believe from his own statement he called to see Koszta. I have no reason whatever to believe that he used any argument to induce Koszta to be governed by your convention in his behalf. His own pretension leads him to wish to do something in the matter which would place the legation in an unfavorable light. He does not hesitate to ask the legation for instructions, whenever a responsibility must be taken, but shows very little consideration for it when it expects his co-operation or conformance to its views. He appears to recognize in it no superior authority to his own, and will not, I apprehend, be ever prevailed upon to carry out the convention made by you.

I have the honor to enclose his reply to me, and remain, &c.,

JOHN P. BROWN.

Hon. G. P. MARSH,  
*Constantinople.*

M.

CONSTANTINOPLE, *October 3, 1853.*

SIR: I have the honor to report to you that finding it impossible to execute or carry into force the convention made between you and the internuncio, for the immediate release of Koszta from the French consul's charge, and his departure for the United States in an American vessel, I have returned here this morning from Smyrna.

Referring you to my previous report on this subject of the 23d ultimo, and to the opposition which I found at Smyrna on the part of the United States consul, Mr. Offley, to your convention, and the positive refusal of Koszta to avail himself of the facility offered him for leaving the French hospital in which he is still confined, locked up, and under the charge of a guard to prevent his escape, I would here only add that I have returned to Pera so as to be able to give you full explanations on the same.

On learning from Mr. Offley that he personally objected to your convention, and would not give his signature for the release of Koszta from the hospital, I visited the French consul and explained to him that the delay was not due to me, nor to the legation. The French consul expressed himself very desirous of being relieved as early as practicable from the charge of Koszta, and said that he would allow him to depart at once, on my signature, should he be so instructed by his ambassador. He remarked that, though he comprehended Mr. Offley's objections to the convention, yet that he could not consider him right in assuming a position of opposition to a matter wholly of a diplomatic nature which did not concern him, and for which he could not be held responsible.

After receiving your instructions of the 26th ultimo, in which you informed me that should Mr. Offley still refuse his signature for Koszta's release from the charge of the French consul my own could substitute it, and that instructions to this effect had been sent to the French and Austrian consuls at Smyrna, by their respective embassies, I enclosed your letter to Mr. Offley, in one from myself, begging him to let me know his intentions. Not showing in his reply any willingness to give his signature for his release, I addressed a letter at once to the Austrian consul general, offering to proceed without further delay to execute your convention. In place of allowing me to call upon him, the Austrian consul came immediately to see me at the hotel, and we agreed upon a joint demand on the French consul for Koszta, after which he would be escorted on board the first American vessel departing for the United States by a guard from either consulate.

I next went to see the French consul and communicated the arrangement to him. I called also to see Koszta in the hospital, to inform him of what we proposed doing. He appeared much pleased to see me, but informed me that he objected to the clause in which the Austrian government reserved its "rights" over him in case of his return to Turkey hereafter. Seeing that he had received an erroneous impression of the clause in question, I explained to him its true meaning; that it was simply an assertion that whilst the Austrian government acceded to your proposal for his immediate release on condition that he would proceed to the United States, it did not make any admission thereby

that it had no right to him; that the rights of both governments were the subject of discussion between the two governments, and that whilst this discussion was being carried on (and it might be protracted for any months) there was no reason why he should continue to incommodate the French consul with detaining him. I added, also, that no one could foresee the result of this discussion, which might end less favorably to him than the conditions of the convention already made by you. I need not add more than that Koszta ended by the assertion that he could neither believe my explanations nor accept of the convention. In place of giving me a paper of acceptance of your agreement in his behalf I suggested to him to please himself, and address you a protest against the "reservation of rights" made by Austria; but this he also refused on the ground that, as he had made no such protest heretofore, he should not do so now. Finding my efforts unavailing, I gave him until noon of the following day for reflection; I told him that the French consul would not permit him to continue in his hospital, and should he refuse to go on board the American vessel, would most probably require him to leave it immediately; that you had received full instructions in this case, and would make no modifications of your convention; but that, in case he refused to avail himself of it, refuse him any further aid or maintenance.

I subsequently sent a friend of Koszta to see and urge him to cease his opposition to your convention; and this person visited him twice on my part, at first without success, but on the second interview he returned and informed me that Koszta agreed to go to the United States, but wished me to give him the previous statements in writing, which I offered to do.

I now called again on the French consul, and after stating what had occurred, expressed my desire to make an arrangement with him by which Koszta could be put on board the vessel without my remaining for that purpose any longer in Smyrna. The consul begged me, however, not to leave until he was gone; for, he said, he apprehended further trouble on the part of the American consul. He told me that he believed Mr. Offley had heretofore not been very popular among Americans in Smyrna, and would evidently endeavor to make a character for himself out of the present affair. During our interview, Mr. Offley came in and shewed me a dispatch from the department of the State of August, approving of his conduct (Captain Ingraham's) and the course pursued by the legation, in which Koszta is spoken of as an "American citizen." Having learned that Koszta was to be released on my signature, he became greatly excited, and exchanged some very angry remarks with the consul.

After this I called to see Koszta to give him the written statement which he had desired from me, and learned with surprise and regret that he would not leave except on compulsion, which he said he had been informed, by his friend, I told him, the French consul was disposed to use for the purpose of putting him on board the vessel. I again used every argument and assurance in my power to induce him to change this determination, but finding them useless, and feeling the inability of my farther stay in Smyrna, I have returned.

I have the honor, &c.,

HON. G. P. MARSH.

JOHN P. BROWN.



No. 59.

[Extract.]

*Mr. Marsh to Mr. Marcy.*

CONSTANTINOPLE, October 15, 1853.

SIR: In consequence of an illness which has confined me to my room for several days, and of the absence of Ali Pacha, I am not able to furnish full information on the points of inquiry suggested in Koszta's case by this mail, but hope to forward it by the next post.

I learn, however, from Mr. Brown, who had an interview with Ali Pacha a few days since, that the Pacha states that the Austrian government demanded the *internement* of Kossuth and certain other individuals, and the expulsion from Turkey of the other refugees, and that it was in compliance with this demand that Koszta was sent to England.

From a commentary on the Austrian civil code published in Italy, and apparently a work of authority, it would seem that the bare act of leaving the Austrian territory without the consent of the government, and without the intention of returning, involves the law of all the rights of citizenship. I have not been able to procure the text of the code, but it has been promised me, and I hope soon to be able to obtain it.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. W. L. MARCY,

*Secretary of State.*

No. 60.

*Mr. Marsh to Mr. Marcy.*

CONSTANTINOPLE, October 20, 1853.

SIR: I enclose herewith copies of a recent correspondence between myself and Mr. Offley, United States consul in Smyrna, in reference to the case of Martin Koszta, who has sailed from Smyrna for the United States.

I am willing to leave my own conduct in this affair to the judgment of my government, without further observation; nor have I any personal resentments to gratify towards Mr. Offley, much as I disapprove his untimely interference with the arrangements which had been concluded, to relieve all parties from the embarrassing position in which they were placed. At the same time I cannot forbear to remark, that it is impossible for this legation to maintain a position of respectability or usefulness, if ignorant and presumptuous subordinate officials are permitted to overrule its decisions, and defy its authority, for the sake of giving themselves a factitious importance, or of gratifying a private malice against the head or any of the officers of the legation.

I am aware that the jurisdiction of American ministers over the consuls of their nation is, in general, less extensive than that of the European legations over their consulates ; but in the present instance there can be no doubt, that the conducting of the whole affair was a matter within the proper competence of the legation, and I trust that the comelious treatment of its officers and its authority by Mr. Offley will be visited with such reprehension as it deserves.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. W. L. MARCY,  
*Secretary of State.*

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CONSTANTINOPLE, *October 5, 1853.*

SIR : Yours of the 26th ultimo, with its enclosure, reached me only on the 1st of October, but the delay was of no importance, as it contained nothing calculated to change my views of the merits of the question, or of my own duty with respect to the matter in issue. As the head of the legation, and as a professional lawyer, I cannot consent to be governed by the opinions of Mr. Koszta, on questions of the legal effect of written instructions, or of municipal or international law, and must abide by the decision of the legation, or suffer the consequences.

You will remember that you had decided that Koszta was not entitled to protection, and that it was only upon correspondence with the then acting chargé d'affaires, that Captain Ingraham interfered in his behalf. You are also aware, that the Department of State has committed the charge of the matter not to you, but to the legation. The secretary's letter to you refers only to the fact, and contains no directions in respect to the future course to be pursued towards Koszta ; whereas, as I have already informed you, I have been fully instructed by the Secretary of State on the whole subject. Under these circumstances, it seems to me so incredible, that you or Koszta should have deliberately refused the respect which the opinions, and the obedience which the authority of the legation demand, both upon general principles, and because the government has specially committed the subject to its charge, that I have preferred to ascribe your conduct and that of Koszta in the affair, rather to an irritation growing out of your personal relations with Mr. Brown, than to a settled purpose of attempting to overrule the decision and the instructions of the only authority responsible in the matter.

Presuming then, that upon reflection, you will be disposed to take a different course of action, I now repeat, that the reservation in Mr. de Bruck's letter is no part of the agreement between him and myself, that no assent to the principle insisted on by Austria has been given by me, and that the reservation has no legal effect whatever on the rights of the Austrian government, or of Koszta.

I shall propose to Mr. de Bruck, no modification of the terms already agreed upon, but I do not wish to be compelled to resort to an exercise of the authority of the legation, in a way which might be attended

with unpleasant consequences to you or to Koszta, and I therefore repeat the offer of sending him to America, at the expense of the legation on the terms of my letters of the 4th of August, and of later date; and this is the last proposal this legation will make to him, or in his behalf. So far, however, as his written consent is concerned, I have already said to you, that it was not intended to be communicated to the Austrian authorities, nor was it stipulated with Mr. de Bruck that any such paper should be given. It is proper he should give such assent, but I attach no importance to it, and if he supposes there is any danger in giving it, I am willing to waive it.

I now expect that he will embark by the next American vessel, and I trust that you will not assume the very serious responsibility of throwing any obstacles in the way of the execution of the agreement entered into for his liberation. I shall expect an early reply, and am,

G. P. MARSH.

EDWARD OFFLEY, Esq.,  
*Consul of the United States, Smyrna.*

UNITED STATES CONSULATE,  
*Smyrna, October 17, 1853.*

SIR: Referring to the dispatches I had the honor of addressing you on the 14th instant, I now beg to inform you that the embarkation of Mr. Martin Koszta took place on that day (14th,) at about 5 o'clock, p. m.

I did all in my power to avoid the arrangements made here between Mr. John P. Brown and the Austrian consul for Koszta's embarkation, as they would have tended to show that he had been embarked as a prisoner, it having been agreed upon between them that Koszta was to have been conducted on board by two guards, one of each consulate. This I positively refused to the Austrian consul, who then agreed to send his first interpreter, and the embarkation took place in the following manner:

Captain Watson, the master of the Sultana, was on my right, and Koszta on my left, then followed the officers of this consulate, the French consul, Mr. Pichen, a number of Koszta's friends, and Austrian interpreter. We were preceded by my cavass and those of the French consul. On our arrival at the wharf of the French hospital, a boat of the bark Sultana, with American colors, was in attendance, in which Koszta, Captain Watson, and myself went on board. On leaving the vessel, Mr. Koszta handed me a letter, copy of which I beg to enclose. Early on the morning of the 15th the bark Sultana sailed for Boston.

I have the honor to enclose a receipt from Captain Watson for one hundred Spanish dollars, amount of Koszta's passage money according to your instructions. I have also taken upon myself to pay four Turkish gold pieces of 100 piasters each, which I gave to the cavasses or guards, who attended on Koszta at the hospital according to the custom of this place, of which I hope you will approve. I will be obliged to you if you will remit me the above amounts at your early convenience.

nce, either in cash per steamer, or in an order from your bankers to  
 in agents here.

I remain, sir, your obedient servant,

E. S. OFFLEY.

Hon. G. P. MARSH,

*United States Minister resident, Constantinople.*

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[Translation.]

SMYRNA, October 14, 1853.

MONSIEUR LE CONSUL: As you have informed me that the minister  
 ident at Constantinople had assured you that the reservation did not  
 concern, nor form part of the agreement entered into between himself  
 and the internuncio of Austria, and that he had not given his consent  
 to his fatal reservation, which seems to me to protect my interests, my  
 duty, as well as the honor of the government that has been pleased  
 to defend me in that case, I will embark for the United States, in order  
 to avoid, above all, any further embarrassment to the legation and to  
 the consulate.

But in order that it may be well proved, that by this act, I never in-  
 tended to acquiesce in a doubt, the effect of which would be to destroy  
 the liberty of the individual, I make my present solemn declaration.  
 Being free like all citizens, I intend to keep and to preserve the right  
 of going and of coming wherever my business demands, seeing that the  
 right of circulation is the first exercise of freedom, and this without  
 wishing to enjoy the protection of the noble flag under the ægis of which  
 I have placed myself.

I beg, Monsieur le Consul, that you will bear witness to my declara-  
 tion, in order that no one may attribute any other reason to my departure.  
 I have the honor to remain, with the liveliest gratitude, Monsieur le  
 Consul, your humble servant,

MARTIN KOSZTA.

Mr. E. S. OFFLEY,

*Consul of the United States at Smyrna.*

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CONSTANTINOPLE, October 20, 1853.

SIR: I have received your letter of the 17th October, 1853, and  
 we requested Messrs. Ede & Co., of this city, to forward you through  
 their correspondent at Smyrna, one hundred Spanish dollars, advanced  
 to you to pay the passage of Martin Koszta to America.

As to the gratuity to the cavasses, whether proper or not, it was not  
 strictly necessary expenditure, and for that reason I cannot allow it  
 to be chargeable to the contingent fund of this legation; but it is possible  
 that the government may deem it a fit item to be formed in your cor-  
 responding accounts.

With respect to the communication from Mr. Martin Koszta, of which  
 I have enclosed me a copy, I have only to say, that I regret that

that individual should throughout have shown himself so unworthy the interest that has been excited, and the efforts that have been made in his behalf; and still more, that his folly, impertinence, and obstinacy, should have been encouraged, if not prompted by the Austrian citizens, who ought rather to have endeavored to inspire him with sentiments of decent respect and gratitude towards the authority which assumed the heavy responsibility of interfering to protect him after he had been abandoned to his fate by the American consulate at Smyrna.

The arrangements made between Mr. Brown and Mr. Wechibacham for Koszta's embarkation was altogether proper, and your refusal to carry them into effect, as well as your general course of action in the whole affair, will be duly reported to the American government, which will, I doubt not, take such notice of your conduct as it merits.

I am, sir, &c, your obedient servant,

GEORGE P. MARSH.

E. S. OFFLEY, Esq.,  
*United States Consul, Smyrna.*

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No. 62.

*Mr. Marsh to Mr. Marcy.*

CONSTANTINOPLE, November, 5, 1853.

SIR: I have the honor to enclose herewith a report from Mr. John P. Brown, of the result of his inquiries at the Porte in respect to the circumstances under which Martin Koszta was expelled from Turkey.

The facts stated by Mr. Brown, and those communicated by me in former dispatches, contain all the information I have yet been able to obtain in definite form on the subject.

I think it doubtful whether any *written* demand was ever made for the expulsion of the refugees from the Turkish territory, (though that supposition is by no means improbable,) but the fact that such a demand was *orally* made is so notorious here that no person would presume to dispute it at Constantinople.

Negotiations with the Porte are always, in a great measure, oral; and it is only in regard to the conclusion of conventions or treaties, or to matters requiring to be referred for examination to particular bureaus, that written communications are usually made.

While this question was pending, I was in very frequent personal communication with Ali Pacha, then minister of foreign affairs, and well remember that the demand of the expulsion of those persons by Austria was more than once mentioned between us. I must admit, that it was then generally understood at Constantinople, that the refugees so expelled were not to return to Turkey, though I do not know that any written or other formal engagement to that effect was exacted of them. The expulsion was accepted by Austria as a substitute for extradition, and I have no doubt that it was understood by all parties as intended to be perpetual, or that the Porte would have felt itself at all times bound, according to the spirit of the engagement, to re-expel

of the refugees who should return to the Turkish dominions, after having been sent out of them by the government.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. W. L. MARCY.

*Secretary of State.*

PERA, October 25, 1853.

SIR: I have the honor to report to you, that agreeable to your instructions, I have made inquiries on the subject of the expulsion from the Turkish empire of Mr. Martin Koszta and the other political refugees who were sent, in 1851, in one of the Sultan's steamers of war to England, whence many of them proceeded to the United States.

His excellency Ali Pacha, now not in office, and who was minister of foreign affairs during the period of the Hungarian revolution, and the difficulties growing out of the refuge which the Hungarians, Poles, and Italians found in the Ottoman dominions, informed me a few days since, that after Kossuth, Bathyain, and other Hungarian chiefs were interned at Kutahieh, the Ottoman government "at the desire and with the knowledge of the Austrian government," expelled Koszta and many others from this country, by sending them, as asserted, to England. Many others who remained at Shumla after the removal of the chiefs to Kutahieh, were allowed freely to come to this capital, and it is not known that the Austrian government made any further demand about them. The present first dragoman of the Porte, his excellency Nouel Deu Bey, has made a similar statement to me; i. e., that Koszta and many others of the refugees then at Kutahieh, were expelled from this country at the demand of Austria, or to use his own language, "Eloigné de la Turquie par le desir et avec la connoissance de la legation Autrichienne."

I have been unable to procure a copy of the demands made at this time by the Austrian legation, though the dragoman of the Porte believes that it possibly may be contained in some of the official communications made at the time by the Austrian legation.

I yesterday had a conversation with his excellency Rechib Pacha, now minister of foreign affairs, and who, at the period referred to, was grand vizier. He could not remember whether the persons alluded to were expelled from this country or not at the demand of Austria. He gave me full permission to make inquiries at the bureau of foreign affairs, and that of the grand referendary of the Porte, (Amidgi,) for documentary evidence of the circumstances, but I find the superior members of the bureaux so much occupied with the important question of the present period, that I could not induce them to have the voluminous correspondence examined.

I may add that it is a matter of public notoriety here, that the refugees in question were sent out of Turkey at the demand of the Austrian legation. The Austrian consul general, Michauwish, on the occasion of the affair of Koszta stated to me, (what I believe to be erroneous,) that when they were expelled from Turkey, they made an

engagement never to return to it again. This statement, made as an argument against the legality of Koszta's return, (and therefore of the legality of his arrest by the Austrian consul general of Smyrna,) goes to show that this expulsion was intended by Austria as an eternal banishment and an expatriation forever, from what she considers as her jurisdiction over all Austrian subjects in the Ottoman empire. She has, consequently, herself severed the bonds which existed between her and the refugees, especially in Koszta's case.

I have the honor to be, sir, with much respect, your obedient servant,

JOHN P. BROWN.

Hon. G. P. MARSH, &c, *Therapia*.

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No. 65.

*Mr. Marsh to Mr. Marcy.*

CONSTANTINOPLE, *December 14, 1853.*

SIR: I have the honor to acknowledge the receipt of your dispatch, No. 31, of September 27, 1853, and to report that I have fulfilled your instructions.

As I have explained in former dispatches, business with the Porte is in the main transacted orally, and it is not usual to make written communications to the Ottoman government, except in matters of technical negotiation, or where a reference to some bureau is likely to be required.

For this reason, I did not address a note to the department of foreign affairs, but took a convenient opportunity to communicate verbally the contents of your letter to Rechib Pacha, now at the head of that department.

The Pacha received the communication respectfully, but made no reply. I think myself authorized, however, from previous conversations with the minister of foreign affairs and other eminent personages, to say that the Ottoman government does not feel aggrieved by the course pursued by Mr. Brown and Captain Ingraham; and I do not believe the Porte will be induced, by reasons of state, to express a dissatisfaction which it does not feel.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM L. MARCY,  
*Secretary of State.*

## MESSAGE

FROM

### THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*In compliance with a resolution of the Senate, a plan for the enlargement and modification of the judicial system of the United States.*

MARCH 2, 1854.—Read, referred to the Committee on the Judiciary, and ordered to be printed.

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 7th of December last, requesting me to present to the Senate the plan referred to in my annual message to Congress, and recommended therein for the enlargement and modification of the present judicial system of the United States, I transmit a report from the Attorney General to whom the resolution was referred.

FRANKLIN PIERCE.

WASHINGTON, March 1, 1854.

ATTORNEY GENERAL'S OFFICE,  
February 4, 1854.

SIR: I have the honor to submit, herewith, suggestions regarding the judicial system of the United States, in compliance with resolutions of the Senate and of the House of Representatives, referred to me for this purpose.

The Constitution, with its amendments, contains the following provisions, necessary to be borne in mind, as the basis of all satisfactory consideration of the subject matter.

1. The Constitution.

"ART. III, Sec. 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish.

"The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

"ART. III, Sec. 2. The judicial power shall extend to all cases in law and equity, arising under the Constitution, the laws of the United States and treaties made, or which shall be made under their author-



ity; to all cases affecting ambassadors and other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof, and foreign States, citizens or subjects.

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

"The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where such crime shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may, by law, have directed."

## 2. Amendment to the Constitution.

"ART. V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb: nor shall he be compelled, in any criminal case, to be witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

"ART. VI. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; and to have the assistance of counsel for his defence.

"ART. VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

"ART. XI. The judicial power of the United States shall not be considered to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

Such is the outline of the judicial system of the United States as defined by the Constitution. But these provisions do not designate the number of the judges of the Supreme Court, nor prescribe the organization of the inferior courts, nor the forms and limits, either of place or function, within which their various powers are to be exercised, nor the appointment and authority of the ministerial officers of the law, nor

many other things essential to the practical completeness of the system, the means of doing all which are to be sought in other provisions of the Constitution as follows :

"ART. I, Sec. 8. The Congress shall have power \* \* \* \* \*

"To constitute tribunals inferior to the Supreme Court; \* \* \*

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States or in any department or officer thereof.

"ART. II, Sec. 1. The executive power shall be vested in a President of the United States of America. \* \* \* \* \*

"ART. II, Sec. 2. \* \* \* He shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, or in the courts of law, or in the heads of departments."

In executing the powers which the Constitution has thus conferred on Congress, to provide by legislation for the details of the organization of the courts of the United States, that body has enacted numerous laws, which, while modifying the judicial system in important particulars at different periods, have invariably, from the beginning to the present time, assumed the following great elements of the system, namely :

1. A Supreme Court, consisting of a chief justice and associate justices, sitting periodically at the seat of government, with unity of constitutional power and jurisdiction, and exercised in definite forms prescribed by law throughout the United States.

2. The subdivision of the United States into judicial districts, each district consisting of a State or a defined part of a State, with a single district judge for each district, such judge being invested with admiralty and maritime jurisdiction; jurisdiction in certain seizures on land and suits for penalties and forfeitures; jurisdiction in certain suits by aliens, by the United States, and by and against consuls; jurisdiction to grant injunctions in equity, writs of *habeas corpus*, and to perform some other acts of miscellaneous judicial power; and jurisdiction of all crimes and offences, not capital, which are cognizable under the authority of the United States. Some of these powers are exclusive, some not.

3. The distribution of the judicial districts into a less number of judicial circuits, with circuit courts sitting periodically in each district, and consisting of a plurality of judges, the district judge of the district being one, which circuit courts have original jurisdiction, in some cases exclusive, in others concurrent only, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds a certain defined sum, and an alien is a party, or the suit is between a citizen of the State where the suit is brought and a citizen of another State; original jurisdiction in cases of equity of a certain amount where the United States are petitioners, and of all suits at common law

where the United States, or any officer thereof, shall sue under the authority of any act of Congress; original jurisdiction of crimes and offences against the United States; original jurisdiction in certain suits removed from the courts of a State, and in sundry miscellaneous matters of special provision under the patent, post office, and other laws; and appellate jurisdiction in certain cases by writ of error to, or direct appeal from, the district courts.

The general system, thus cursorily sketched, has now stood the test of the controversies and criticism of two generations; its practical working has become familiar to the whole community; the adjudications of a long succession of eminent judges have regulated its forms and imparted precision to its action; and no other theory of judicial system presents itself, which promises any advantages commensurate with the experimental uncertainties which a radical change of organization would introduce into the administration of justice throughout the Union. The district courts, with jurisdiction limited by the boundaries of the respective States; the circuit courts, with concurrent jurisdiction, or with original, superior, and appellate jurisdiction; and the Supreme Court, with its constitutional power, seem together to constitute a judicial system of inherent adaptation to the federative political system of the United States.

Accordingly, while Congress has in its wisdom seen fit, as occasion seemed to require, to make changes in secondary matters, such as the number of the judges of the Supreme Court, or the number and limits of the several circuits, or the personality of the circuit courts, or the quality or degrees of the relative or absolute jurisdiction of the district and circuit courts,—it has left the great monumental parts of the system as they were constructed by the same wise men who framed the Constitution.

Modifications of the judicial system, within the limits indicated, especially when the number of States is more than twice what it was at the time of the adoption of the Constitution and the organization of the government under it, and when the interests of our society have outstripped, in the ratio of their exigencies, even the vastly augmented territorial extent of the country,—are imperatively demanded, not merely to give to the system completeness according to the present number of States, but to enable it, though but partially, yet at all, to discharge its appropriate functions.

At the very foundation of the government, with but thirteen States in the Union, and comparatively small subject territory, the Supreme Court was made to consist of a chief justice and five associate justices. The number has been at successive periods increased by the addition of three other justices. If the duties of these judges did not go beyond their function as members of the Supreme Court, the present number would undoubtedly suffice, nay, is more than the public interest requires, because, in proportion to the increase of the number of judges constituting a court, is its tendency to lose its proper judicial, and to acquire instead a deliberative, character.

But the great difficulty in this respect is in the present organization of the circuit and the district courts in their relation to the Supreme Court.

By the law as it now stands, the districts, with exceptions hereafter indicated, are distributed into nine circuits, and the circuit court sits, according to the theory of the law, in each district, periodically, and is composed of the district judge of that district and of one of the judges of the Supreme Court.

I say, according to the theory of the law ; for, in the existing magnitude of the country, it becomes physically impossible for the judges of the Supreme Court, compatibly with their proper constitutional duties, to transact the circuit business of all the districts of the United States. Thus it happens that the entire States of California, Florida, Iowa, Texas, and Wisconsin, and districts of some other sub-divided States, remain wholly outside of the system, the entire circuit duty there being performed by a district judge. It needs no argument to show that this anomalous condition of things is in plain violation of the true spirit of the Constitution, which pre-supposes absolute equality of political right, of government and of its advantages, among all the sovereign members of the Union.

Besides which, in some of the districts, which are, by law, within the system, the amount of circuit business exceeds the powers of a single judge of the Supreme Court, and thus the contemplated and theoretical benefits of the system are but imperfectly enjoyed even there.

It seems to be self-evident that there ought to be such a reformation of the circuits as to have them embrace all the States.

To accomplish this indispensable object, the exigency for which disturbs the interests of society more seriously, perhaps, than any other federal question of mere government organization, several plans have been considered.

One is, to provide an additional number of judges of the Supreme Court ; a part of them to transact the business in bank, at the seat of government, and a part to be detailed for circuit duty. But as all the justices, so appointed, would possess an equality of right as such, and as the power of the Supreme Court is a constitutional power, it is not easy to see how a distinctive classification could be established by law, so as to exclude any of them from the regular business of the Supreme Court. And, if such a classification could be permanently enacted, or any means of compulsory self-classification provided, the result would be a fluctuating tribunal, and all the evils of unsettled decision. Besides which, if such a plan were adopted and found impracticable, it would be impossible to recede from it without leaving an excessive number of judges of the Supreme Court ; because those judges are not removeable by legislation. But the constitutional objection to this plan seems insuperable. Congress may, undoubtedly, enact a quorum of the court, of any number, however small ; but it cannot exclude a member of it from participation in its action under the Constitution.

Another plan is to relieve the judges of the Supreme Court of their circuit duty ; to reduce the number of the judges of that court as vacancies occur ; to re-arrange all the districts of the United States in proper circuits ; and to appoint a circuit judge for each circuit.

This plan has the advantages of simplicity and of involving little or no change in the forms of legal business, and the times and places in which it is to be conducted.

This plan is, undoubtedly, also more conformable than the present arrangement to the spirit and theory of the Constitution ; because the Supreme Court is created by the Constitution, while the circuit courts are of those "inferior courts" which Congress has the power to ordain and establish ; for which reason it has been much questioned whether the two things be not constitutionally incompatible ; and the judges of the Supreme Court are only appointed and commissioned as such.

On the other hand, it is forcibly urged that contemporaneous exposition of the Constitution, the practice under it, and long acquiescence in that practice, have served to sanction the existing law in this respect ; that *nisi prius* duty is valuable as mental discipline to a judge ; and that it is exceedingly inconvenient, in a political sense, to separate the judges from immediate intercourse with the people of the respective States.

Another plan has, therefore, been proposed, which is to re-arrange the circuits so as to comprehend all the districts in all the States ; to enlarge the jurisdiction of the district courts relatively to the circuit courts, and that of the circuit courts relatively to the Supreme Court ; to have a circuit court holden at one place only, in each circuit, for all the districts composing it ; and to constitute that circuit court of one judge of the Supreme Court and all the district judges within it.

This plan supposes, moreover, that all the original civil jurisdiction of the circuit courts, whether concurrent or exclusive, be taken away from them, and vested in the respective district courts ; and thus all the criminal business be confined to the district courts, because of the provisions of the Constitution, which require the trial of crimes to be in the State and district where the crime shall have been committed.

To this idea it is objected that it will greatly increase the expenses of litigation in all the States, except those few in which the court is holden ; that it will, as to many of the circuits, give rise to insoluble controversy concerning which State shall be the seat of the circuit court ; that the judges of the district courts have not been appointed as for the unaided exercise of all the present original jurisdiction of the circuit courts ; that the proper performance by them of the proposed new duties will, especially in the maritime States, interfere with their appropriate admiralty and other district duties ; and that, in other respects, the plan will disturb the interests, and affect, inconveniently, the sensibilities of the different States.

A fourth plan is, after re-arranging the circuits, to leave the circuit courts to be holden as at present in each district with a justice of the Supreme Court as a member by law of the circuit court, devolving the whole of the original business of that court, whether civil or criminal, upon the district judge as in the third plan, and all the appellate business in equity and fact, and requiring only writs of error, exceptions and appeals in matter of law to be heard in presence of the justice of the Supreme Court.

This plan is subject, in a still greater degree, to one class of the objections to the preceding one, namely, that of augmenting unduly the labor and responsibility of the district judges, who were not appointed in view of such large and exclusive functions.

Besides which, each of these two last named plans, while enlarging the geographical range of the circuit duty of the judges of the Supreme

Court, would not in reality give them correspondent relief in other respects, which the public interest requires, in order that they may have time for the discharge of the higher inevitable duties of the Supreme Court.

This consideration acquires additional weight from the fact that the new territories, which the United States have acquired by treaty with foreign powers, devolve, of late years, a vast amount of special duty on the Supreme Court, in the adjudication of land claims from the former provinces of Louisiana and Florida, and especially from California.

In regard to California, and the three other States at least, which are soon to exist on the Pacific side of the Union, it is difficult to see how any plan is to be carried into effect, requiring judges of the Supreme Court to hold circuit courts there; and very grave objections arise to the maintenance of a peculiar and anomalous organization of the courts in the Pacific States, and the continued exclusion of them from the general judicial system of the Union.

In this relation, there is another important class of considerations.

When Congress came to perform, as regards the judicial system, the legislative duty devolved upon it by the Constitution, it established proper subdivisions of the system, and organized them fitly upon the subsisting facts, but did not so arrange the details as to be fully capable of adaptation to successive changes in the amount of judicial business and in the number of the States.

At first, two judges of the Supreme Court were to attend each circuit court. But this arrangement was very soon found to be impracticable, and only one justice of the Supreme Court was required to attend. This also proving inconvenient, circuit judges were appointed; but that plan failed, by reason, in part, of the new judges being appointed in the last moments of an expiring administration; and the pre-existing arrangement was restored. But in doing this, Congress felt itself compelled to provide that either of the judges, namely, the justice of the Supreme Court alone, or the district judge alone, might hold the circuit court; but, if held by the district judge alone, he could not decide a case of writ of error or appeal from the district court; and all such cases have had to go over until another term and the attendance of a justice of the Supreme Court. Here, therefore, the system began to lose its unity and symmetry of proportions, even before the occurrence of any considerable augmentation of the number of States. But, when these began to increase, the system broke down altogether; and it became necessary to erect district after district, excluded altogether from the circuit organization. Thus we have the complicated evil, first of many circuit courts which are so in name only and not in truth, consisting of the district judge sitting alone in the absence of a justice of the Supreme Court; and of many districts in which there is no circuit court proper. This anomaly must grow more grievous every day in presence of the great expansion recently impressed on the Union.

On the other hand, if circuit judges be appointed, then the adaptation of the system to new States becomes an easy and an ordinary fact. As each new State comes in, it has only to be adjoined to a circuit; or

where a group of new States shall have been formed it may be readily constituted into a new circuit. Thus the judicial system would expand itself naturally with the increase of the number of the States, without leaving any of the present gaps or breaks in the system, or producing the slightest disturbance of interests in any other part of the Union.

The present elements of organization, maintained in their present proportions, are incapable of adaptation to the old States, in which the augmentation of business, acting both on the Supreme Court and on the circuit courts, renders it materially impossible that the present duty of both should be performed by the present justices of the Supreme Court. Thus comes necessary violation in fact of the legal theory as to the relative jurisdiction of both circuit and district courts, the aggregate amount of that violation increasing daily with the population and wealth of the old States.

The same elements are also incapable of adaptation to the new States even as they now are, and that incapacity of adaptation becomes more flagrant every day as these States grow in population and wealth, and it is aggravated with each accession to the Union of an additional new State.

The consequence is, the gradual but sure development of two distinct judicial systems in the country, with a broad line of demarcation between them: one, in which a justice of the Supreme Court intervenes, either actually or nominally, in the business of the circuits, and the circuit courts dispose of more or less of the appeals from the district courts; and another, in which no justice of the Supreme Court appears on the circuit, either by the letter of law or in fact, and appeals go directly from the district courts to the Supreme Court, swelling of course the amount of business in the latter. These consequences are mischievous in practice, besides marring the hypothetical excellence of the system in its political relation to the States.

To avoid these evils, and to provide for the equal administration of justice in all parts of the Union, and to have the circuit business everywhere, both in fact and in law, in the present or in any other form of organization, performed by justices of the Supreme Court unaided and alone, and to expand the system from time to time as the Union expands by the aggregation of new States, to effect all these combined results, continual additions must be made to the number of the justices of the Supreme Court, which thus becomes transformed irresistibly from a court into a senate.

On these premises, the considerations of public welfare, and of regard for the equal rights of the States, involved in the question of so modifying the details of the judicial system of the United States as to give it universality of application, and uniformity and efficaciousness in all parts of the Union, far outweigh any possible objections to such modification.

Undoubtedly it is desirable, so far as it is materially possible, to have the justices of the Supreme Court continue to be radicated, by local residence and by official relation, in the respective States. The general sense of this it is which has obstructed the introduction of proper improvements in the judicial system. It seems to me that the

arrived to meet the question frankly, rather than to continue the organization of the circuits which goes on by temporary expedients, and is applied to the newly arising wants of the public service; an organization in which the circuit courts are, by theory but not by fact, required to be held by some person other than the district judge, although the presence of some judge other than the district judge contemplated by law, it is of course imperfectly had, in consequence of the increased amount of that portion of public business which, by constitutional necessity be discharged by the Supreme Court. This change is felt on all hands to be desirable, if not necessary. And the form of experimental change which can easily be made, and which would be turned from if it fail to receive the public confidence on trial; in my judgment, unites most of the advantages, and avoids the disadvantages of either of the other plans; which does not involve any change in legislation; and which is respectfully proposed as a solution of the problem.

It would have, at present, nine, and prospectively, ten circuits; to reorganize the existing nine circuits, so as to comprehend within them all the judicial districts except those of California; to appoint nine assistant judges, one for each circuit; to preserve unimpaired the organization of the circuit courts, in all the districts, as well those now organized as those without; to withdraw the circuit powers from the district judges, and revest them in the proper circuit court exclusively; to have the ordinary circuit court holden as it is in each jurisdiction, and composed of the justice of the Supreme Court residing in that circuit, as now, but to associate with him an assistant circuit judge, so that the court shall be holden by a justice of the Supreme Court and the assistant circuit judge, or either of them, instead of the district judge, the latter being left to his proper district duties, and thus giving a real and effective circuit court even in case of the occasional absence of the justice of the Supreme Court.

This plan furnishes the additional personal force requisite for the dispatch of the enlarged judicial business of the country. It is so far as the suitors, and the public at large, are concerned, no change in the relations of judicial business. It calls for no present increase of the number of judges of the Supreme Court. It secures the judicial system by giving a proper circuit court to all the districts. It does not touch the place of business of the circuit courts and of the district courts, each to be holden, as now, within their appropriate jurisdictions. It makes competent provision to have the circuit business performed, as well as in theory, by a circuit judge, and thus effectuates the great defect of the existing organization. It continues the organization of the Supreme Court in the practice of immediate contact with the people of the States, but relieves them by law from the disadvantage of seeing themselves constrained, from time to time, to leave much of the circuit business unperformed or performed by the district judge, or else to fail in the complete discharge of the proper duties of the Supreme Court.

This plan leaves California only with a mere district organization, and provides that at a day not distant a tenth circuit shall be constituted in that State.



The innovation proposed is the least possible; beyond the restoration as far as may be of the normal functions of the respective courts, which is reparation rather than change, it consists of nothing but the provision of more persons to do the work necessary to be done, by the appointment of assistant circuit judges to divide the circuit business with the judges of the Supreme Court.

Permit me, in conclusion, in order to corroborate the opinion that some change should be attempted, to call to mind the trite, but not less cogent, consideration, that the general interests of society at large, in time of peace, are but indirectly or lightly affected by the political action of government; while its judicial action is vital, actually or contingently, to the interests of all men. Their property, their honor, their lives, are constantly dependent on the wisdom and the virtue of the courts of justice. To guard and preserve these our dearest rights, we need, not only a magistracy of competent character, but also one of competent organization. And certain it is, that the existing judicial organization is altogether insufficient for the obvious necessities of the people even of the present United States.

I have abstained from remark as to the courts of the Territories and of the District of Columbia, which are established under other clauses of the Constitution than those herein considered, and which are not presumed to be within the purview of the resolutions of the two houses. It may, however, be not improper to say here, that the legal condition of the District of Columbia, still regulated by the laws of Maryland as they stood half a century ago, without material legislative improvement during that period of time, and with recognized defects in its judicial organization, calls loudly for some action on the part of Congress.

I have the honor to be, very respectfully, your obedient servant,

C. CUSHING.

To the PRESIDENT.

REPORT  
OF  
THE SECRETARY OF THE TREASURY,

IN ANSWER

*To a resolution of the Senate calling for the amount of American securities held in Europe and other foreign countries, on the 30th June, 1853.*

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MARCH 2, 1854.—Ordered to lie on the table and be printed

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TREASURY DEPARTMENT,  
March 2, 1854.

SIR: The following resolution was adopted by the Senate on the 4th of April, 1853:

*Resolved*, That the Secretary of the Treasury be requested to procure, so far as practicable, and furnish the same to the Senate at the commencement of the next session of Congress, the following information, viz:

"The aggregate amount of federal, State, city, county, railroad, canal, and other corporation bonds, stocks, or other evidences of debt, held in Europe or other foreign countries, on the 30th of June, 1853, specifying separately, so far as the same can be ascertained, the amount of each of the above descriptions of bonds and stocks."

In compliance with the above resolution, I have the honor to submit the accompanying documents:

A.—A letter from the Register of the Treasury, dated February 27, 1854, giving the amount of federal stock outstanding on the 30th of June, 1853, and the amount estimated as then held by foreigners residing beyond the bounds of the United States.

B.—A general statement of the amount of bonds of the several States, outstanding on the 30th of June, 1853, and of the amount thereof held by foreigners residing beyond the bounds of the United States, as well as could be ascertained, according to returns received at the Treasury Department from the chief officers of the different States.

C.—A table showing the amount of State bonds outstanding June 30, 1853, the amount of the same then held by foreigners residing beyond the bounds of the United States, according to the estimates of Winslow, Lanier, & Co., in the States marked with an asterisk, the amount of property held by various State governments, exclusive

of school funds, according to the American Almanac for 1854, and the amount of real and personal estate subject to taxation in each State according to the United States census returns for 1850.

D.—A statement of the amount of bonds of cities, towns, and counties, outstanding on the 30th of June, 1853, and of the amount there then held by foreigners residing beyond the limits of the United States as far as could be ascertained, according to returns made to the Treasury Department, by the following cities, towns, and counties, and including some reported by brokers.

E.—A general statement of so many of the banks as have made returns of the amount of capital paid in, and the amount thereof held by foreigners on the 30th June, 1853.

F.—A general statement of so many insurance companies as have made returns to the Treasury Department.

G.—A general statement of so many railroad companies as have made returns to the Treasury Department, of the amount of capital authorized, the amount paid in, and the amount thereof held by foreigners, and also of the amount of bonds outstanding, and the amount thereof held by foreigners, so well as could be ascertained, on or near June 30, 1853.

H.—A general statement of so many canal and navigation companies as have made returns to the Treasury Department of the amount of capital authorized, the amount paid in, and the amount thereof held by foreigners, and also of the amount of bonds outstanding, and the amount thereof held by foreigners, June 30, 1853.

I.—A general statement of so many miscellaneous companies as have made returns to the Treasury Department of the amount of their capital authorized, the amount paid in, and the amount thereof held by foreigners, and also of the amount of bonds outstanding, and the amount thereof held by foreigners, on the 30th June, 1853.

K.—A general summary of the foregoing documents.

It will be seen by reference to table K, taking Winslow, Lanier & Co.'s estimate as the criterion, that in June, 1853, the aggregate stock and securities of the character set out in the table, held abroad, was \$222,225,315.

The application of capital to railroads, commenced in 1829, and to canals, prior to that date, but we have no data from which we can state the amount of foreign indebtedness on those accounts. In 1829, the outstanding United States debt was about \$58,400,000; a considerable part of which was then held abroad, and we know that a large amount of United States and other bank stocks was also held abroad, and it might be fair to estimate that the indebtedness of the same character as in the table K was as great in 1829 as it was in 1853, and that the annual interest and dividends to foreign holders of stocks and bonds has reached, for the last twenty-four years, about \$13,000,000.

There is no data from which to make an aggregate statement of the capital that had been applied to canals, railroads, and the establishment of banks, insurance companies, &c., prior to 1829, and which, in connexion with table K, would exhibit the amount applied to those objects since; nor is there any data from which to estimate the value

which the application of capital to canals, railroads, and banks, has given to the solid wealth of the country. All which is respectfully submitted.

Your obedient servant,

JAMES GUTHRIE,  
*Secretary of the Treasury.*

HON. D. R. ATCHISON,  
*President pro tem of the Senate.*

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A.

TREASURY DEPARTMENT,  
*Register's Office, February 27, 1854.*

SIR: In answer to your letter of the 25th instant, received this morning, I would state that "the aggregate amount of federal stock outstanding on the 30th June, 1853," was *\*fifty eight millions two hundred and five thousand five hundred and seventeen dollars and twenty-five cents, (\$58,205,517 25.)* And that at the same date the amount estimated to be held by foreigners was *twenty-seven millions, (\$27,000,000.)*

I have the honor to be, sir, most respectfully, your obedient servant,  
F. BIGGER, *Register.*

HON. JAMES GUTHRIE,  
*Secretary of the Treasury.*

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\* This is exclusive of the \$5,000,000 yet to be issued for the Texan indemnity.

## B.

*General statement of the amount of bonds of the several States outstanding June 30, 1853, and of the amount thereof held by foreigners residing beyond the bounds of the United States, so well as could be ascertained, according to returns received at the Treasury Department from the chief officers of the different States.*

State.	Bonds outstanding.	Held by foreigners.	Authorities and remarks.
Maine.....	\$471,500	None.	Treasurer of Maine.
New Hampshire.....	74,899	None.	Treasurer of New Hampshire. This is the whole debt of the State, and is of a floating character.
Vermont.....	None.	None.	Secretary of State of Vermont. A small floating debt occasionally exists.
Massachusetts.....	6,445,000	\$4,000,000	Auditor of Commonwealth. Amount of stocks held by foreigners on estimate.
Rhode Island.....	None.	None.	Governor of Rhode Island.
Connecticut.....	None.	None.	Governor and Treasurer of Connecticut.
New York.....	24,323,838	6,758,700	Governor of New York, and cashier of Manhattan Company. The returns of the amount held by foreigners appear to be not complete.
New Jersey.....	None.	None.	Secretary of State of New Jersey.
Pennsylvania.....	40,021,445	26,534,671	Bank of Pennsylvania, as fiscal agent of the State.
Delaware.....	None.	None.	American Almanac. No reply to letters addressed to the authorities of the State.
Maryland.....	15,356,224	8,537,917	Comptroller of Treasury Department of Maryland.
Virginia.....	12,089,362	3,075,909	Secretary of the Commonwealth of Virginia.
North Carolina.....	2,924,000	.....	Governor of North Carolina. Amount held by foreigners not known, but believed to be small.
South Carolina.....	1,925,893	937,777	Treasurer of South Carolina.
Georgia.....	2,802,472	72,000	Secretary of Executive Department. The amount of sterling bonds given as debt due to foreigners. The holders of the dollar bonds are not known.
Florida.....	None.	None.	Governor and Comptroller. No return of bonds issued by Territory of Florida.
Alabama.....	4,497,666	4,397,666	Bank Commissioner of Alabama. The amount held by foreigners, in part, on estimate.
Louisiana.....	9,580,207	8,000,000	Cashier of Canal and Banking Company, New Orleans, referred to by Governor of Louisiana.
Arkansas.....	2,468,839	No return.	Governor's message of November, 1852. With arrears of interest, the debt amounts to \$4,103,056.
Mississippi.....	7,271,707	No return.	American Almanac. The sum in the table is independent of arrears of interest.

	1855-1856	Not known.	Governor of Illinois. Governor of Indiana. The total includes one million, on which the State pays no interest; and the amount given, as held by foreigners, is an estimate.
Illinois .....	17,000,000	2,570,960	
Indiana .....	7,712,880		
Ohio .....	15,542,549	7,750,000	Auditor of State. Amount held by foreigners, an estimate.
Michigan .....	2,359,551	Not known.	Auditor General of Michigan.
Wisconsin .....	100,000	None.	Governor of Wisconsin.
Iowa .....	55,000	None.	Secretary of State of Iowa.
Texas .....	5,341,528	195,907	Auditorial report, November, 1851. Reduced by "scaling" to \$2,988,525. Total, with arrears of interest, \$8,357,723. Reduced by "scaling" to \$3,497,765.
California .....	2,997,488	Not known.	Comptroller of State of California. There is, in addition, a floating debt of \$269,812.
Total .....	190,718,321	72,931,507	

## NOTES.

The cashier of the Bank of America, New York, in reply to a letter of inquiry from this department, gives the amount of bonds of the State of Kentucky held by foreigners at \$1,200,000.

Winslow, Lanier & Co., of New York, in reply to a letter of inquiry from this department, say:

It will be very difficult for us to say where the State securities are held, whether in Europe or this country, yet we can come near it, sufficiently so, perhaps, for your purposes.

1. As to the debt of Georgia, fully three fourths of it held in Europe.
2. Tennessee, over one half held in Europe.
3. Michigan, more than two thirds held in Europe, mostly in Holland.
4. North Carolina, mostly held in Europe; or, at least, over one half.
5. Arkansas, more than two thirds held abroad.
6. Kentucky, about one half held abroad.
7. Mississippi, all held abroad, mostly in Holland.
8. Illinois, three fourths held abroad.
9. Ohio, two thirds held abroad.
10. Indiana, fully three fourths held abroad.
11. California, mostly held in this country.

If these estimates be substituted for those given in the table, the total of State bonds held by foreigners residing beyond the bounds of the United States will be about \$111,000,000, without counting the territorial bonds of Florida, amounting to several millions, or the arrears of interest of Florida, Arkansas, Texas, and Mississippi.

C.

*Table showing the amount of State bonds outstanding June 30, 1853; the amount of the same then held by foreigners residing beyond the bounds of the United States, according to the estimate of Winslow, Lanier & Co., in the States marked with an (\*); the amount of property held by various State governments, exclusive of school funds, according to the American Almanac for 1854; and the amount of real and personal estate subject to taxation in each State, according to the United States Census return for 1850.*

States and Territories.	Bonds outstanding June 30, 1853.	Held by foreigners.	Property owned by State governments.	Real and personal estate, 1850.	
				Assessed value.	True value.
Maine.....	\$471,500	None.	.....	\$96,765,868	\$122,777,571
New Hampshire.....	74,899	None.	.....	92,177,950	103,652,835
Vermont.....	None.	None.	.....	71,671,651	92,205,049
Massachusetts.....	6,445,000	\$4,000,000	.....	546,003,057	573,342,286
Rhode Island.....	None.	None.	.....	77,758,974	80,508,794
Connecticut.....	None.	None.	.....	119,088,672	155,707,980
New York.....	24,323,838	6,758,700	35,115,237	715,369,028	1,080,309,216
New Jersey.....	None.	None.	1,029,661	190,000,000	200,000,000
Pennsylvania.....	40,021,445	26,584,671	33,091,093	497,039,649	722,486,120
Delaware.....	None.	None.	190,000	16,406,884	21,062,556
Maryland.....	15,356,224	8,537,917	27,531,755	208,563,566	219,217,364
Virginia.....	12,089,382	3,075,909	13,911,626	381,376,660	430,701,082
North Carolina.....	2,224,000	*2,200,000	600,000	212,071,413	226,800,472
South Carolina.....	1,925,893	937,777	5,240,000	283,867,709	288,257,694
Georgia.....	2,802,472	*2,101,854	5,250,000	335,425,714	335,425,714
Florida.....	None.	None.	.....	22,784,837	22,862,970
Alabama.....	4,497,656	4,397,666	700,000	219,476,150	228,204,322
Louisiana.....	9,589,207	8,000,000	2,416,938	220,165,172	233,998,764
Arkansas.....	2,488,839	*1,700,000	.....	36,428,675	39,841,025
Mississippi.....	7,271,707	*7,271,707	2,000,000	208,422,167	228,951,130
Tennessee.....	3,653,856	*1,900,000	3,654,456	189,437,623	201,946,686
Kentucky.....	5,571,297	*3,785,000	6,000,000	231,387,554	301,628,456
Missouri.....	902,000	*40,000	373,263	96,595,463	137,247,707

PROPERTY OWNED BY FOREIGNERS.—Winslow, Lanier & Co.	100,000	NONE.	20,113,323	42,036,385
Iowa.....	65,000	None.	21,680,642	23,714,638
Texas.....	5,341,598	195,907	51,027,456	53,740,473
California.....	+2,997,488	.....	122,123,173	122,161,872
District of Columbia.....	None.	None.	14,018,874	14,018,874
Minnesota.....	None.	None.	.....	.....
Utah.....	None.	None.	986,083	986,083
Oregon.....	None.	None.	5,063,474	5,063,474
New Mexico.....	None.	None.	5,174,471	5,174,471
	190,718,221	110,972,108	171,889,889	7,135,780,228

† A small amount held by foreigners.—Winslow, Lanier & Co.

‡ The returns for California are for only 13 counties in 1850. Later documents give the following results for that State: Value of taxable property in 31 counties in 1852, \$64,388,175; value of taxable property in 29 counties in 1853, \$91,388,375. The returns for 1853 do not embrace seven counties: in some of which there was much taxable property.

#### NOTES.

Under the title of "property owned by State governments," are not included lots and buildings, &c., devoted to governmental uses, but railroad stock, bank stock, &c., which may be sold, and the proceeds, if necessary, devoted to governmental purposes.

Of the property included under this head, the following is stated to be "not now productive:"

Massachusetts.....	\$1,983,446
New Jersey.....	764,670
Pennsylvania.....	321,032
Maryland.....	16,319,138
Virginia.....	5,899,958
Georgia.....	250,000
Mississippi.....	2,000,000
Louisiana.....	2,416,938
Total.....	29,955,202

The immense grants of land made by the United States government to some of the States, and the lands which others of the States have acquired in dif-

ferent ways, appear not to have been included by the editors of the American Almanac in their table.

The returns of the United States Census for 1850 have been selected as being the latest at the command of the Treasury Department, in which the returns of taxable property in the different States are all of one date. As an evidence of the ratio in which the value of such property has increased since 1850, Kentucky may be taken as an example. The official valuation for 1853 is \$366,957,487, against \$291,387,554 in 1850, as stated in the table. Supposing the increase to have been in the like ratio in the other States and in the Territories, the total of assessed value for 1853 would be upwards of \$7,500,000,000, and of true value, about \$9,000,000,000.

It would be a great error to confound the amount of taxable, or rather of taxed property, with the whole wealth of the country. In Kentucky, the only articles subject to the State tax are lands, slaves, horses, mules, asses, neat cattle, stores, pleasure carriages, gold and silver, and other metallic clocks and watches, and pianofortes. So, in the other States, taxation is so arranged as to exempt many objects from its operations, leaving the aggregate wealth of the country a subject of conjecture.



## D.

*Statement of the amount of bonds outstanding on the 30th of June, 1853, and of the amount thereof then held by foreigners residing beyond the limits of the United States, so far as could be ascertained, according to returns made to the Treasury Department, by the following cities, towns, and counties, and including some reported by brokers.*

Place.	Bonds outstanding.	Held by foreigners.
Portland.....Maine.....	\$2,393,410	None.
Boston.....Massachusetts.....	7,286,459	\$4,000,000
Other towns and counties.....do.....	*2,500,000	None.
Providence.....Rhode Island.....	170,000	.....
Other towns and counties.....do.....	None.	None.
New Haven.....Connecticut.....	113,900	None.
Bridgeport.....do.....	150,000	None.
Hartford city.....do.....	529,000	.....
Hartford town.....do.....	70,000	.....
Norwich.....do.....	83,000	.....
New London.....do.....	75,000	.....
New York.....New York.....	14,915,856	4,109,372
Brooklyn.....do.....	1,008,000	Not known.
Williamsburg.....do.....	None.	None.
Buffalo.....do.....	375,000	Not known.
Utica.....do.....	None.	if any.
Albany.....do.....	No return.	None.
Rochester.....do.....	263,000	No return.
Syracuse.....do.....	37,561	.....
Newark.....New Jersey.....	100,000	None.
Patterson.....do.....	15,700	None.
Jersey city.....do.....	615,000	350,000
New Brunswick.....do.....	None.	None.
Trenton.....do.....	45,750	None.
Camden.....do.....	20,000	None.
Philadelphia city.....Pennsylvania.....	6,353,300	Not known.
District of Northern Liberties.....do.....	825,700	424,000
Spring Garden.....do.....	1,484,100	422,500
Kensington.....do.....	665,098	None.
District of Richmond.....do.....	190,000	5,000
District of Penn.....do.....	185,000	None.
Southwark.....do.....	414,900	None.
Moyamensing.....do.....	118,343	None.
Philadelphia county.....do.....	† 1,613,067	No return.
Pittsburg.....do.....	2,483,000	350,000
Alleghany city.....do.....	862,000	Not known.
Alleghany county.....do.....	† 1,000,000	No return.
Lancaster city.....do.....	208,418	None.
Harrisburg.....do.....	149,803	None.
Reading.....do.....	No return.	No return.
Erie city.....do.....	30,000	None.
Erie county.....do.....	15,000	None.
Chester county.....do.....	8,000	None.
Washington county.....do.....	† 250,000	.....
Wilmington.....Delaware.....	237,911	None.
Baltimore.....Maryland.....	5,454,389	315,576
Washington city.....District of Columbia.....	793,860	None.
Georgetown.....do.....	187,754	None.
Alexandria.....Virginia.....	633,450	None.
Richmond.....do.....	1,396,933	25,000

\* Estimate by Auditor of Commonwealth.

† Report to Legislature of Pennsylvania, February, 1852.

‡ A small amount may be held abroad.

## D—Continued.

Place.	Bonds. outstanding	Held by foreigners.
rg..... Virginia.....	\$597,500	None.
irg..... do.....	386,000	None.
uth..... do.....	169,340	None.
..... do.....	No return.	No return.
a..... do.....	21,725	None.
county..... do.....	3,460	None.
dge county..... do.....	38,545	None.
ig..... do.....	794,550	\$100,000
anty..... do.....	150,000	.....
gton..... North Carolina.....	100,000	None.
..... do.....	7,000	None.
ville..... do.....	None.	None.
on..... South Carolina.....	1,831,377	.....
a..... do.....	150,000	None.
..... do.....	None.	None.
g..... do.....	None.	None.
..... Georgia.....	441,000	None.
h..... do.....	847,840	None.
se..... do.....	150,000	None.
..... do.....	35,018	35,018
nery..... Alabama.....	131,800	None.
..... do.....	* 50,000	.....
sea..... do.....	7,000	None.
oka..... do.....	15,000	None.
..... do.....	1,087,829	442,856
lle..... do.....	49,000	None.
leans..... Louisiana.....	† 8,599,107	† 4,000,000
is..... Mississippi.....	None.	None.
..... do.....	.....	None.
rg..... do.....	.....	None.
e..... Tennessee.....	660,000	15,000
s..... do.....	610,000	None.
sboro..... do.....	30,000	None.
le..... do.....	6,435	None.
le..... Kentucky.....	.....	.....
on..... do.....	362,000	.....
t..... do.....	69,000	† 36,000
le..... do.....	205,000	Not known.
rt..... do.....	6,000	None.
is..... Missouri.....	2,415,796	Not known.
..... Illinois.....	88,609	Not known.
..... do.....	610,000	75,000
eld..... do.....	4,000	None.
..... do.....	153,000	None.
..... do.....	220,000	None.
olis..... Indiana.....	None.	None.
sd..... do.....	1,500	None.
seburg..... do.....	55,000	None.
..... do.....	130,000	50,000
ville..... do.....	160,000	None.
any..... do.....	70,000	None.
lle..... do.....	100,000	None.
aute..... do.....	None.	None.
iti..... Ohio.....	2,520,000	1,300,000
y..... do.....	101,500	None.
..... do.....	136,048	None.
..... do.....	141,739	None.
id..... do.....	314,000	157,000
uth..... do.....	125,000	None.

\* Part or the whole believed to be held by foreigners.

† Estimate of City Treasurer.

‡ Held in Switzerland.

## D—Continued.

Place.	Bonds outstanding.	Held by foreigners.
Marietta.....Ohio.....	\$100,000	\$75,000
Steubenville.....do.....	200,000	100,000
Chillicothe.....do.....	50,000	None.
Columbus.....do.....	100,000	75,000
Detroit.....Michigan.....	352,522	Not known.
Milwaukie.....Wisconsin.....	411,550	Not known.
Burlington.....Iowa.....	100,000	.....
Dubuque.....do.....	12,000	None.
Keokuk.....do.....	39,770	None.
Muscatine.....do.....	.....	None.
Davenport.....do.....	None.	None.
San Francisco.....California.....	\$1,500,000	.....
Sacramento.....do.....	800,000	.....
San Joaquin county.....do.....	50,297	.....
Other cities and counties.....do.....	450,000	.....
Various counties.....Ohio.....	*5,000,000	*4,000,000
Do.....Indiana.....	*750,000	.....
Do.....Kentucky.....	*2,000,000	*1,000,000
Total of 113 cities and towns and 347 counties.....	93,280,518	21,462,322

§ Bonds, or floating debt of \$490,191.

\* From Winslow, Lanier &amp; Co.

NOTE.—The only cities or towns supposed to have bonds outstanding of any large amount, not embraced in this table, are Albany, New York; and Norfolk, Virginia.

State.	Counties.	Outstanding bonds.	Held by foreigners.	Authorities and remarks.
Massachusetts.....	14 counties (all).....	\$2,500,000	None.	Estimated by Auditor of Commonwealth.
Connecticut.....	8.....do.....	None.	None.	Treasury of State.
Kentucky.....	100.....do.....	2,000,000	\$1,000,000	Estimated by Winslow, Lanier & Co.
Ohio.....	87.....do.....	5,000,000	4,000,000	Do.
Indiana.....	91.....do.....	\$750,000	.....	Do.
California.....	San Joaquin.....	50,297	None.	County Treasurer.
Do.....	35 counties (all).....	450,000	None.	Comptroller of State.
New Jersey.....	Camden.....	None.	None.	County Collector.
Do.....	Hudson.....	.....	None.	Do.
Do.....	Morris.....	None.	None.	Do.
Pennsylvania.....	Philadelphia.....	1,613,667	No return.	Report to legislature
Do.....	Alleghany.....	1,100,000	No return.	Do.
Do.....	Chester.....	8,000	None.	County legislature.
Do.....	Erie.....	15,000	None.	Mayor of city of Erie.
Do.....	Washington.....	†250,000	.....	Estimate of Winslow, Lanier & Co.
Virginia.....	Augusta.....	3,460	None.	County officers.
Do.....	Rockbridge.....	38,545	None.	Do.
Do.....	Ohio.....	150,000	None.	Estimate of Winslow, Lanier & Co.

\* Little held abroad.

† A small amount held by foreigners.

The debts of counties, (excepting, perhaps, Philadelphia county,) have, whenever considerable, been incurred by aiding in the construction of railroads, by which it was believed, the value of real estate in the county would be increased in an amount exceeding that of the debt, while the sums received from the railroads, in the form of interest or dividends, would pay the interest on the county bonds. In many instances the railroad companies enter into direct engagements to pay the interest on such bonds. So the debts of cities and towns have in most instances been incurred in the construction of railroads, water-works, gas-works, and other productive works, yielding in many cases a greater income than the interest on the debts, besides the collateral advantages arising from the construction of the works.

## E.

*General statement of so many of the banks as have made returns of the amount of capital paid in, and of the amount thereof held by foreigners, on the 30th of June, 1853.*

## STATE OF MAINE.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
Cumberland.....	Portland.....	\$100,000	None....
Merchants'.....	do.....	150,000	\$1,725
Atlantic.....	do.....	100,000	None....
Canal.....	do.....	* 400,000	do....
Manufacturers and Traders'.....	do.....	100,000	3,900
Casco.....	do.....	300,000	† 4,000
Veazie.....	Bangor.....	200,000	None....
Exchange.....	do.....	50,000	do....
Eastern.....	do.....	100,000	do....
Mercantile.....	do.....	50,000	do....
State of Maine.....	do.....	250,000	do....
Kenduskeag.....	do.....	100,000	do....
Augusta.....	Augusta.....	100,000	do....
Freeman.....	do.....	75,000	do....
Granite.....	do.....	75,000	do....
Brunswick.....	Brunswick.....	60,000	do....
Union.....	do.....	50,000	do....
Ticonic.....	Waterville.....	100,000	do....
Waterville.....	do.....	75,000	do....
Thomastown.....	Thomastown.....	50,000	do....
George's.....	do.....	42,625	do....
Yuh.....	Saco.....	75,000	do....
Manufacturers'.....	do.....	100,000	1,800
Rockland.....	Rockland.....	100,000	None....
Limeroch.....	do.....	100,000	do....
Biddeford.....	Biddeford.....	150,000	do....
Androskoggin.....	Topsham.....	50,000	do....
Medomac.....	Waldoborough.....	50,000	do....
Ellsworth.....	Ellsworth.....	75,000	do....
Showhegan.....	Showhegan.....	75,000	do....
Frontier.....	Eastport.....	75,000	17,388
Calais.....	Calais.....	75,000	8,431
Gardiner.....	Gardiner.....	100,000	2,100
Belfast.....	Belfast.....	75,000	None....
Mariner's.....	Wiscasset.....	50,000	do....
Sagadahock.....	Bath.....	100,000	do....
Lincoln.....	do.....	200,000	do....
Commercial.....	do.....	100,000	do....
Northern.....	Hallowell.....	75,000	do....
Hallowell.....	do.....	100,000	do....
South Berwick.....	do.....	100,000	do....

\* \$7,700 held by American residents abroad.

† Held in Montreal. —

E—Continued.

## STATE OF VERMONT.

Name.	Place.	Capital paid in.	Held by foreigners.
ts	Burlington	\$150,000	None
en.	do.	150,000	do.
ial	do.	150,000	do.
and Mechanics	do.	150,000	do.
	Irasburg	50,000	\$700
	Rutland	150,000	1,050
	Wells River	75,000	* 1,875
nd	St. Johnsbury	100,000	None
County	St. Alban	100,000	do.
	do.	50,000	do.
	West Poultney	50,000	do.
	Danby	50,000	do.
oi	Shelden	100,000	do.
	Branden	50,000	do.
oyalton	South Royalton	68,000	do.
	Danville	75,000	do.
	Montpelier	100,000	do.
	Bennington	100,000	do.
ry	Middlebury	75,000	do.
iver	Bethel	75,000	do.
ver	Proctorsville	50,000	do.
ss	Vergennes	100,000	do.
Falls	Bellows Falls	100,000	do.
ll	Manchester	50,000	do.
er	Montpelier	100,000	do.
	Derby Line	40,000	12,520
ounty	Chelsea	50,000	None
	Windsor	50,000	do.
	Swanton Falls	75,000	do.
ro	Brattleboro	150,000	do.
ck	Woodstock	60,000	do.
	Orwell	100,000	do.

\* Held in Canada.

E—Continued.

## STATE OF NEW HAMPSHIRE.

Name.	Place.	Capital paid in.	Held by foreigners.
Rockingham.....	Portsmouth.....	\$161,000	...None...
Mechanics and Traders'.....	do.....	141,000	do.....
Piscataqua Exchange.....	do.....	200,000	do.....
Cocheco.....	Dover.....	100,000	do.....
Strafford.....	do.....	120,000	do.....
Dover.....	do.....	100,000	do.....
Carroll County.....	Centre Sandwich.....	50,000	do.....
Salmon Falls.....	Rollinford.....	50,000	do.....
Lebanon.....	Lebanon.....	100,000	do.....
White Mountain.....	do.....	50,000	do.....
Granite State.....	Exeter.....	125,000	do.....
Exeter.....	do.....	25,458	do.....
Winchester.....	Winchester.....	100,000	do.....
Connecticut River.....	Charlestown.....	90,000	do.....
New Ipswich.....	New Ipswich.....	100,000	do.....
Lancaster.....	Lancaster.....	50,000	do.....
Indian Head.....	Nashville.....	100,000	do.....
Nashua.....	Nashua.....	125,000	do.....
Mechanic's.....	Concord.....	100,000	do.....
Merrimack County.....	do.....	80,000	do.....
Belknap County.....	Meredith Bridge.....	80,000	do.....
Francestown.....	Francestown.....	* 150,000	do.....
Amoskeag.....	Manchester.....	150,000	do.....
Manchester.....	do.....	125,000	do.....
Rochester.....	Rochester.....	120,000	† \$100
Pittsfield.....	Pittsfield.....	50,000	...None...
Claremont.....	Claremont.....	100,000	do.....
Monadnock.....	East Jeffrey.....	50,000	do.....
Ashuelart.....	Keene.....	50,000	do.....
Cheshire.....	do.....	100,000	do.....
Great Falls.....	Somerworth.....	150,000	do.....
Warner.....	Warner.....	50,000	do.....

\* \$1,500 owned by an American residing in Surinam.

† Held in Canada.

E—Continued.

## STATE OF MASSACHUSETTS.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
.....	Boston.....	\$750,000	None...
gton.....	do.....	500,000	do.....
an.....	do.....	500,000	do.....
it.....	do.....	500,000	do.....
ne.....	do.....	300,000	do.....
te.....	do.....	250,000	do.....
rs.....	do.....	300,000	do.....
.....	do.....	1,000,000	do.....
ics.....	do.....	150,000	do.....
d Leather Dealers.....	do.....	1,000,000	do.....
n.....	do.....	500,000	do.....
.....	do.....	750,000	\$4,600
.....	do.....	1,800,000	11,520
.....	do.....	1,000,000	* 7,800
Hall.....	do.....	500,000	4,000
.....	do.....	500,000	7,000
.....	do.....	1,000,000	† 5,800
.....	do.....	600,000	† 10,000
.....	do.....	900,000	§ 2,050
.....	do.....	500,000	5,000
.....	do.....	1,000,000	18,300
usetts.....	do.....	800,000	14,750
merican.....	do.....	645,800	5,000
re.....	do.....	1,000,000	¶ 2,000
.....	do.....	500,000	¶ 500
t.....	do.....	1,000,000	None...
.....	do.....	560,000	3,990
l.....	do.....	300,000	None...
.....	do.....	400,000	-2,000
gland.....	do.....	1,000,000	2,500
ce.....	do.....	1,500,000	150,000
nts.....	do.....	3,000,000	124,600
ile.....	Salem.....	200,000	None...
re.....	do.....	200,000	do.....
.....	do.....	210,000	do.....
.....	do.....	250,000	do.....
cial.....	do.....	200,000	do.....
ts.....	do.....	200,000	do.....
sag.....	do.....	500,000	do.....
.....	Newburyport.....	100,000	do.....
ics.....	do.....	200,000	do.....
ts.....	do.....	210,000	do.....
l.....	Lowell.....	600,000	900
.....	do.....	200,000	None...
.....	do.....	200,000	do.....
n.....	do.....	150,000	do.....
.....	Worcester.....	150,000	do.....
er.....	do.....	300,000	3,300
.....	do.....	150,000	None...
ics.....	do.....	350,000	do.....
amond.....	do.....	150,000	do.....
bank.....	Marblehead.....	100,000	do.....
ead.....	do.....	120,000	do.....
Stone Bank.....	Quincy.....	100,000	do.....
Commercial.....	New Bedford.....	600,000	** 7,000
ts.....	do.....	600,000	None...

Nova Scotia. † In New Brunswick, \$2,000; Havana, \$3,800. † In Halifax, N. S.  
London, \$750; Halifax, \$500; Montreal, \$800, by a native of the United States.  
Nova, \$4,000; Halifax, \$1,000. ¶ In New Brunswick. \*\* Held in France.



## E—Continued.

## STATE OF MASSACHUSETTS—Continued.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
Mechanics.....	New Bedford .....	\$500,000	None...
Marine.....	do.....	500,000	do....
Greenfield.....	Greenfield.....	200,000	do....
Franklin County.....	do.....	150,000	do....
Holyoke.....	Northampton.....	200,000	do....
Northampton.....	do.....	200,000	\$500
Cabot.....	Chicopee.....	150,000	* 1,800
Western.....	Springfield.....	250,000	1,300
Chicopee.....	do.....	300,000	90,900
Springfield.....	do.....	300,000	None...
John Hancock.....	do.....	100,000	do....
Agawam.....	do.....	200,000	do....
Bay State.....	Laurence.....	500,000	19,000
Concord.....	Concord.....	100,000	None...
Tradesman's.....	Chelsea.....	150,000	do....
Cambridge Market.....	North Cambridge.....	150,000	do....
Waltham.....	Waltham.....	100,000	do....
Mattapan.....	Dorchester.....	100,000	do....
Blue Hill.....	do.....	100,000	do....
Cambridge.....	Cambridgeport.....	100,000	do....
Charles River.....	Cambridge.....	100,000	do....
Bunker Hill.....	Charleston.....	200,000	do....
Laughton.....	Lynn.....	† 200,000	do....
Mechanics.....	do.....	150,000	do....
Haverhill.....	Haverhill.....	150,000	do....
Merrimack.....	do.....	180,000	do....
Union.....	do.....	100,000	do....
Essex.....	do.....	100,000	do....
Plymouth.....	Plymouth.....	150,000	do....
Old Colony.....	do.....	100,000	do....
Danvers.....	Danvers.....	150,000	do....
Warren.....	do.....	150,000	do....
Village.....	North Danvers.....	160,000	do....
Pittsfield.....	Pittsfield.....	50,000	do....
Agricultural.....	do.....	200,000	do....
Rollstone.....	Fitchburg.....	200,000	do....
Fitchburg.....	do.....	200,000	do....
Hampshire Manufacturers.....	Ware.....	250,000	1,600
Wareham.....	Wareham.....	100,000	None...
Lancaster.....	Lancaster.....	150,000	do....
Attleborough.....	Attleborough.....	100,000	do....
Wrentham.....	Wrentham.....	150,000	do....
Oxford.....	Oxford.....	100,000	do....
Powow River.....	Salisbury.....	100,000	do....
Hadley Falls.....	Holyoke.....	100,000	do....
Brighton.....	Brighton.....	250,000	do....
Dedham.....	Dedham.....	200,000	do....
Blackstone.....	Uxbridge.....	100,000	do....
Union.....	Weymouth.....	140,000	do....
Newton.....	Newton.....	150,000	do....
Barnstable.....	Yarmouth.....	300,000	do....
Lee.....	Lee.....	200,000	do....
Southbridge.....	Southbridge.....	100,000	do....
Andover.....	Andover.....	250,000	do....
Falmouth.....	Falmouth.....	100,000	do....
Fairhaven.....	Fairhaven.....	900,000	do....
Worcester county.....	Blackstone.....	100,000	do....
Framingham.....	Framingham.....	900,000	do....

\* Held in Halifax, N. S.

† \$1,000 held in China, by a citizen of the United States.

E—Continued.

## STATE OF MASSACHUSETTS—Continued.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
.....	Westfield .....	\$150,000	... None ...
.....	Randolph .....	150,000	.....do.....
.....	Milford .....	180,000	.....do.....
.....	Great Barrington.....	120,000	.....do.....
.....	Canton.....	100,000	.....do.....
.....	Rockport.....	100,000	.....do.....
.....	South Berwick.....	100,000	.....do.....
.....	Westfield.....	150,000	.....do.....
.....	Fall River.....	100,000	.....do.....
.....	.....do.....	350,000	.....do.....
.....	Stockbridge.....	100,000	.....do.....
.....	Leicester.....	150,000	.....do.....
.....	Abington.....	100,000	.....do.....
.....	Taunton .....	200,000	\$240
.....	.....do.....	100,000	.....do.....
.....	.....do.....	200,000	.....do.....
.....	Millbury .....	50,000	.....do.....
.....	Molden .....	100,000	.....do.....
.....	Georgetown .....	.....	.....do.....
.....	North Adams.....	200,000	.....do.....
.....	Hingham .....	105,000	.....do.....
.....	Roxbury .....	150,000	.....do.....
.....	Nantucket.....	200,000	.....do.....
.....	Gloucester .....	200,000	.....do.....
.....	Beverly .....	125,000	.....do.....

## STATE OF RHODE ISLAND.

.....	Providence .....	\$500,000	... None ...
.....	.....do.....	500,000	.....do.....
.....	.....do.....	700,000	.....do.....
.....	.....do.....	500,000	.....do.....
.....	.....do.....	120,000	.....do.....
.....	.....do.....	685,100	.....do.....
.....	.....do.....	300,000	.....do.....
.....	.....do.....	134,150	.....do.....
.....	.....do.....	500,000	.....do.....
.....	.....do.....	145,550	.....do.....
.....	.....do.....	200,000	.....do.....
.....	.....do.....	500,000	.....do.....
.....	.....do.....	500,000	.....do.....
.....	.....do.....	500,000	.....do.....
.....	.....do.....	920,000	.....do.....
.....	.....do.....	427,150	.....do.....
.....	.....do.....	150,000	.....do.....
.....	.....do.....	200,000	.....do.....
.....	.....do.....	140,000	3,500
.....	.....do.....	1,000,000	†1,000
.....	.....do.....	600,000	1,500
.....	.....do.....	300,000	... None ...
.....	.....do.....	150,000	.....do.....
.....	.....do.....	499,950	.....do.....
.....	.....do.....	500,000	1,000
.....	.....do.....	211,600	.....do.....
.....	.....do.....	500,000	... None ...
.....	North Providence .....	127,600	.....do.....

\* Wound up.

† In England.

E—Continued.

## STATE OF RHODE ISLAND—Continued.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
Commercial .....	Newport .....	\$75,000	None...
Merchants' .....	do. ....	100,000	do....
Traders' .....	do. ....	60,000	do....
Rhode Island Union .....	do. ....	165,000	do....
Newport Exchange .....	do. ....	60,000	do....
Rhode Island .....	do. ....	100,000	do....
Newport .....	do. ....	120,000	do....
Eagle .....	Bristol .....	50,000	do....
Bristol .....	do. ....	150,000	do....
Commercial .....	do. ....	52,500	do....
Smithfield Union .....	Woonsocket .....	100,000	do....
Railroad Bank .....	do. ....	80,000	do....
Centreville .....	Centreville .....	69,500	do....
Village Bank .....	Smithfield .....	76,350	do....
Globe .....	do. ....	100,000	do....
Cumberland .....	Cumberland .....	118,050	do....
Woonsocket Falls .....	do. ....	125,000	do....
Wakefield .....	Wakefield .....	99,500	do....
Narragansett .....	Wickford .....	50,000	do....
Landholders' .....	Kingston .....	150,000	do....
Granite .....	Pascong .....	44,489	do....
Cranston .....	Cranston .....	25,000	do....
Hope .....	Warren .....	125,000	do....
Bank of the South County .....	Wakefield .....	100,000	do....
Rhode Island Central .....	East Greenwich .....	81,960	do....
Freeman's .....	Bristol .....	65,000	do....
Mount Vernon .....	Foster .....	60,000	do....
Washington Village .....	Coventry .....	40,000	do....
Bank of Kent .....	do. ....	40,000	do....
Citizens' Union .....	Scituate .....	40,000	do....
Coventry .....	Anthony .....	50,000	do....
North Kingston .....	Milford .....	75,000	do....
Franklin .....	Chepachet .....	38,000	do....
Washington .....	Westerley .....	150,000	do....
Hopkinton .....	do. ....	56,850	do....
Phoenix .....	do. ....	100,000	do....
Warren .....	Warren .....	150,000	do....
Fall River Union .....	Tiverton .....	199,962	do....
Smithfield Exchange .....	Greenville .....	60,000	do....

E—Continued.

## STATE OF CONNECTICUT.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
its'.....	New Haven.....	\$500,000	\$5,000
.....do.....	.....do.....	500,000	None...
ven.....	.....do.....	364,800	4,000
cs'.....	.....do.....	300,000	None...
ven County.....	.....do.....	600,000	do....
l.....	Hartford.....	1,134,600	12,300
.....do.....	.....do.....	431,700	None...
.....do.....	.....do.....	500,000	do....
and Mechanics'.....	.....do.....	625,000	do....
.....do.....	.....do.....	535,000	do....
icut River.....	.....do.....	250,000	do....
l County.....	.....do.....	315,362	do....
.....do.....	.....do.....	1,285,600	do....
'.....	Bridgeport.....	300,000	do....
ock.....	.....do.....	199,800	do....
rt.....	.....do.....	210,000	do....
icut.....	.....do.....	240,000	do....
.....do.....	New London.....	163,750	do....
.....do.....	.....do.....	100,000	do....
ndon.....	.....do.....	150,875	do....
.....do.....	Norwich.....	300,000	2,300
.....do.....	.....do.....	173,662	None...
aug.....	.....do.....	338,370	do....
.....do.....	.....do.....	200,000	do....
its'.....	.....do.....	218,025	do....
.....do.....	Middletown.....	150,000	do....
own.....	.....do.....	369,300	do....
ex County.....	.....do.....	335,000	do....
.....do.....	Stonington.....	100,000	do....
lk.....	Falls Village.....	200,000	do....
.....do.....	Mystic.....	52,900	do....
River.....	.....do.....	100,000	do....
rt.....	Southport.....	100,000	do....
l.....	Winsted.....	104,000	do....
i.....	Stamford.....	90,000	do....
on.....	Thompson.....	60,000	do....
m.....	Windham.....	65,000	do....
k.....	Saybrook.....	86,160	do....
ck.....	Pawcatuck.....	75,000	do....
sturers'.....	Birmingham.....	273,560	do....
ry.....	Woodbury.....	100,000	do....
merica.....	Seymour.....	100,000	do....
ver.....	Deep Runlet.....	83,100	do....
ary.....	Waterbury.....	510,000	do....
ddam.....	East Haddam.....	71,970	do....
.....do.....	Meriden.....	255,000	do....
County.....	Tolland.....	86,400	do....
l County.....	Norwalk.....	184,700	do....
ity.....	Jewett city.....	44,000	do....
'.....	Danbury.....	98,500	do....
.....do.....	Bethel.....	100,000	do....
m County.....	Brooklyn.....	64,600	do....
'.....	Killingly.....	.....	.....

• Failed

E—Continued.

## STATE OF NEW YORK.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
Commercial Exchange .....	New York .....	\$52,000	None ..
New York Exchange .....	do. ....	130,000	do. ....
Dry Dock .....	do. ....	420,000	do. ....
Mechanics Banking Association .....	do. ....	632,000	do. ....
Pacific .....	do. ....	422,700	do. ....
Marine .....	do. ....	500,000	do. ....
Shoe Leather .....	do. ....	600,000	do. ....
Broadway .....	do. ....	600,000	do. ....
St. Nicholas' .....	do. ....	500,000	do. ....
Ocean .....	do. ....	1,000,000	do. ....
Irving .....	do. ....	300,000	do. ....
Chatham .....	do. ....	400,000	do. ....
Grocers' .....	do. ....	300,000	do. ....
People's .....	do. ....	412,500	do. ....
East River .....	do. ....	413,050	do. ....
Chemical .....	do. ....	300,000	do. ....
Phoenix .....	do. ....	1,200,000	\$43,130
Butchers' and Drovers' .....	do. ....	600,000	5,975
Bank of Commerce .....	do. ....	5,000,000	455,900
Market Bank .....	do. ....	650,000	4,000
City Bank .....	do. ....	800,000	65,600
Mechanics' .....	do. ....	1,440,000	59,400
Tradesmen's .....	do. ....	400,000	* 1,030
North River .....	do. ....	655,000	17,250
Nassau .....	do. ....	500,000	None ..
Mercantile .....	do. ....	600,000	20,000
Bank of State of New York .....	do. ....	2,000,000	85,000
Bowery .....	do. ....	356,650	† 2,250
Hanover .....	do. ....	1,000,000	10,000
Fulton .....	do. ....	600,000	16,000
Bank of New York .....	do. ....	1,500,000	171,000
Merchants' .....	do. ....	1,490,000	153,000
American Exchange .....	do. ....	1,500,000	30,900
Merchants' Exchange .....	do. ....	1,235,000	† 30,500
Leather Manufacturers' .....	do. ....	600,000	22,350
National .....	do. ....	750,000	66,250
Main .....	do. ....	2,050,000	157,700
Mechanics and Traders' .....	do. ....	200,000	None ..
Empire City .....	do. ....	251,582	do. ....
Knickerbocker .....	do. ....	300,000	do. ....
America .....	do. ....	2,000,000	235,500
Suffolk .....	do. ....	100,000	None ..
Citizens .....	do. ....	350,000	do. ....
Bank of the Republic .....	do. ....	1,500,000	14,300
Bank of North America .....	do. ....	1,000,000	5,000
Greenwich .....	do. ....	200,000	None ..
Union .....	do. ....	1,000,000	32,450
Continental .....	do. ....	1,500,000	8,000
Metropolitan .....	do. ....	2,000,000	22,900
Seventh Ward .....	do. ....	500,000	3,800
Mechanics' .....	Brooklyn .....	200,000	None ..
Brooklyn .....	do. ....	150,000	do. ....
Long Island .....	do. ....	400,000	do. ....
City .....	do. ....	300,000	do. ....
Atlantic .....	do. ....	500,000	do. ....
Williamsburg city .....	Williamsburg .....	200,000	do. ....
Farmers' and Citizens' .....	do. ....	200,000	do. ....

\* Held in France.

† Held in England.

‡ Held in Edinburgh, \$5,000; held in Nova Scotia, \$9,000; held in East Indies, \$6,500.

E—Continued.

## STATE OF NEW YORK—Continued.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
and Farmers' .....	Albany.....	\$350,000	* \$500
l.....	do.....	300,000	None...
y.....	do.....	500,000	do.....
State.....	do.....	250,000	do.....
change.....	do.....	311,100	do.....
bany.....	do.....	240,000	do.....
oy.....	Troy.....	440,000	do.....
l.....	do.....	200,000	do.....
.....	do.....	250,000	do.....
.....	do.....	300,000	do.....
ank of Troy.....	do.....	350,000	do.....
and Mechanics'.....	do.....	300,000	do.....
.....	Utica.....	200,000	do.....
entral New York.....	do.....	110,200	do.....
.....	do.....	400,000	* 5,300
ica.....	do.....	600,000	None...
racuse.....	Syracuse.....	200,000	do.....
.....	do.....	140,000	do.....
.....	do.....	125,000	do.....
olina.....	do.....	150,000	do.....
County.....	do.....	150,000	do.....
.....	do.....	160,000	do.....
.....	do.....	110,000	do.....
.....	Oswego.....	150,000	do.....
ight.....	do.....	200,000	do.....
.....	do.....	200,000	do.....
l.....	Rochester.....	330,000	do.....
.....	do.....	100,000	do.....
.....	do.....	100,000	do.....
nd Mechanics'.....	do.....	50,000	do.....
City.....	do.....	400,000	do.....
.....	Buffalo.....	170,000	do.....
.....	do.....	100,000	do.....
nd Mechanics'.....	do.....	100,000	do.....
.....	do.....	26,000	do.....
& Co.....	do.....	160,000	do.....
.....	do.....	60,000	do.....
.....	do.....	100,000	do.....
harbor.....	do.....	200,000	do.....
.....	do.....	200,000	do.....
ly.....	Schenectady.....	50,000	do.....
.....	do.....	125,000	do.....
.....	Catskill.....	110,007	do.....
.....	do.....	100,000	do.....
ewburg.....	Newburg.....	300,000	do.....
.....	do.....	200,000	do.....
.....	do.....	200,000	do.....
.....	do.....	175,000	do.....
oughkeepsie.....	Poughkeepsie.....	100,000	do.....
.....	do.....	150,000	do.....
nd Mechanics'.....	do.....	300,000	do.....
.....	do.....	150,000	do.....
County.....	Genesee.....	100,000	8,000
alley.....	Genesee.....	120,000	† 2,300
enesee.....	Batavia.....	100,000	2,500
ounty Bank.....	La Roy.....	100,000	do.....
.....	Watertown.....	116,200	None...
.....	do.....	63,300	do.....

\* Held in Canada.

† Held in Egypt.

E—Continued.

## STATE OF NEW YORK—Continued.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
Black River.....	Watertown.....	\$125,000	None..
Bank of Watertown.....	do.....	53,000	do...
Jefferson County.....	do.....	200,000	do...
Wooster Sherman.....	do.....	50,000	do...
Bank of Waterville.....	Waterville.....	120,000	do...
Bank of Whitestown.....	Whitestown.....	120,000	do...
Bank of Whitehall.....	Whitehall.....	100,000	do...
Commercial.....	do.....	108,200	do...
Saratoga County.....	Waterford.....	100,000	do...
Bank of Ulster.....	Saugerties.....	100,000	do...
State Bank.....	do.....	64,000	do...
Ontario.....	Canandaigua.....	500,000	\$17,350
Ulster County.....	Kingston.....	100,000	None..
Kingston.....	do.....	200,000	do...
Bank of Saratoga Springs.....	Saratoga Springs.....	100,000	* 1,000
Farmers' Bank of Saratoga Co.	Crescent.....	176,000	2,000
Tompkins County.....	Ithaca.....	250,000	1,500
Merchants' and Farmers'.....	do.....	70,000	None..
Bank of Lansingburg.....	Lansingburg.....	† 120,000	do...
Bank of Chenango.....	Chenango.....	120,000	do...
Bank of Chemung.....	Elmira.....	100,000	do...
Chemung Canal.....	do.....	200,000	do...
Bank of Vernon.....	Vernon.....	100,000	do...
Mechanics.....	Camden.....	63,300	do...
Herkimer County.....	Little Falls.....	200,000	do...
Glen's Falls.....	Glen's Falls.....	112,000	do...
Fort Stanwix.....	Rome.....	110,000	do...
Rome Exchange.....	do.....	100,000	do...
Bank of Rome.....	do.....	100,000	do...
Bank of Fishkill.....	Fishkill.....	150,000	do...
Bank of Havana.....	Havana.....	66,683	do...
Broome County.....	Binghamton.....	100,000	do...
Bank of Carthage.....	Carthage.....	14,321	do...
Farmers' Bank.....	Amsterdam.....	117,000	do...
Frontier.....	Potsdam.....	50,000	do...
Essex County.....	Keeseville.....	100,000	do...
Commercial Bank of Allegany County.....	Friendship.....	5,000	do...
Bank of Lowville.....	Lowville.....	102,450	do...
Fort Edward.....	Fort Edward.....	128,600	do...
Hamilton Exchange.....	Greene.....	50,000	do...
H. J. Miners'.....	Fredonia.....	50,000	do...
Cuyler Bank.....	Palmyra.....	100,000	do...
Central.....	Cherry Valley.....	120,000	do...
Suffolk County.....	Sag Harbor.....	20,000	do...
Bank of Malone.....	Malone.....	100,000	do...
Otsego County.....	Cooperstown.....	100,000	do...
Westchester County.....	Pecksville.....	200,000	do...
Bank of Danville.....	Danville.....	150,250	do...
Merchant's Exchange.....	Lancaster.....	50,000	do...
Pine Plains.....	Pine Plains.....	100,000	do...
Bank of Auburn.....	Auburn.....	200,000	do...
Cayuga County.....	do.....	250,000	do...
Orange County.....	Goshen.....	105,660	do...
Goshen.....	do.....	110,000	do...
Fort Plain.....	Fort Plain.....	100,000	do...

\* Held in Canada

† Of the stock of the Bank of Lansingburg, \$1,550 belongs to the estate of a person, his of the island of Java, but whose executor resides in the city of New York.

E—Continued.

## STATE OF NEW YORK—Continued.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
County.....	Waterloo.....	\$200,000	...None...
County.....	Pawling.....	125,000	.....do.....
County.....	Cazenovia.....	100,000	.....do.....
County.....	Jamestown.....	100,000	.....do.....
County.....	Lockport.....	111,250	.....do.....
County.....	.....do.....	50,000	.....do.....
County.....	.....do.....	150,000	.....do.....
County.....	Delhi.....	150,000	.....do.....
County.....	Camden.....	120,000	.....do.....
County.....	Chester.....	100,000	.....do.....
County.....	Corning.....	104,500	.....do.....
County.....	Belfast.....	51,517	.....do.....
County.....	Johnstown.....	100,000	.....do.....
County.....	Middletown.....	100,000	.....do.....
County.....	Kinderhook.....	125,000	.....do.....
County.....	Mohawk.....	150,000	.....do.....
County.....	Ilion.....	100,000	.....do.....
County.....	Bath.....	150,000	.....do.....
County.....	Clyde.....	50,000	.....do.....
County.....	Geneva.....	200,000	.....do.....
County.....	Fulton.....	125,000	.....do.....
County.....	Hudson.....	150,000	.....do.....
County.....	.....do.....	200,000	.....do.....
County.....	Union Village.....	150,075	.....do.....
County.....	Unadilla.....	129,850	.....do.....
County.....	Mina.....	60,992	.....do.....
County.....	.....do.....	35,800	.....do.....
County.....	Herkimer.....	100,500	.....do.....
County.....	Westfield.....	65,000	.....do.....
County.....	Martinsburg.....	100,000	.....do.....
County.....	Dunkirk.....	53,200	.....do.....
County.....	Ogdensburg.....	77,777	.....do.....
County.....	.....do.....	100,000	.....do.....
County.....	Putnam Valley.....	66,234	.....do.....
County.....	Brasher's Falls.....	15,000	.....do.....
County.....	Silver Creek.....	92,850	.....do.....
County.....	Painted Post.....	54,841	.....do.....
County.....	Lyons.....	36,944	.....do.....
County.....	Adams.....	125,000	\$1,000
County.....	Penn Yan.....	100,000	...None...
County.....	Clinton.....	125,000	.....do.....
County.....	Amenia.....	50,000	.....do.....
County.....	West Troy.....	112,500	.....do.....
County of Sullivan.....	Monticello.....	150,000	.....do.....
County.....	Naples.....	53,693	.....do.....
County.....	Ballston Spa.....	125,000	.....do.....
County.....	Albion.....	200,000	.....do.....
County.....	.....do.....	75,905	.....do.....



E—Continued.

## STATE OF NEW JERSEY.

Names of banks.	Place.	Capital paid in.	Held by foreigners
Newark City.....	Newark.....	\$200,000	....None...
State Bank.....	do.....	450,000	....do....
Banking and Insurance.....	do.....	508,650	....do....
Mechanics'.....	do.....	500,000	....\$2,750
Mechanics' & Manufacturers'..	Trenton.....	175,000	....None...
Trenton Banking Co.....	do.....	210,000	....do....
Mechanics'.....	Burlington.....	50,000	....do....
Burlington County.....	Medford.....	70,000	....do....
Hudson County.....	Jersey.....	125,000	....do....
Farmers' Bank of Wantage.....	Deckertown.....	65,000	....do....
Sussex County.....	Newton.....	135,000	....do....
Farmers' and Mechanics'.....	Rahway.....	200,000	....do....
State Bank.....	Elizabeth.....	200,000	....do....
Central.....	Hightstown.....	105,000	....do....
Princeton.....	Princeton.....	90,000	....do....
Belvidere.....	Belvidere.....	149,280	....do....
Union.....	Dover.....	100,000	....do....
Farmers' and Mechanics'.....	Middletown Point.....	60,000	....do....
Bordentown.....	Bordentown.....	100,000	....do....
Farmers'.....	Mount Holly.....	100,000	....do....
Salem Banking Co.....	Salem.....	75,000	....do....
Cumberland.....	Bridgeton.....	52,050	....do....
City Bank.....	Cape Island.....	50,000	....do....
State Bank.....	New Brunswick.....	199,900	....do....
Farmers' and Mechanics'.....	do.....	109,700	....do....
Morris County.....	Morristown.....	50,000	....do....
Orange.....	Orange.....	300,000	....do....
Somerset County.....	Somerville.....	50,000	....do....
State Bank.....	Camden.....	260,000	....do....

## STATE OF PENNSYLVANIA.

Bank of Pennsylvania.....	Philadelphia.....	\$1,875,000	....*None...
Commercial.....	do.....	1,000,000	....do....
Manufacturers' & Mechanics'..	do.....	300,000	....do....
Kensington.....	do.....	250,000	....do....
Southwark.....	do.....	350,000	....do....
Bank of Commerce.....	do.....	250,000	....do....
Tradesman's.....	do.....	150,000	....do....
Girard.....	do.....	1,250,000	....\$12,900
Bank of Penn Township.....	do.....	225,000	....do....
Mechanics'.....	do.....	800,000	....2,000
Bank of Northern Liberties.....	do.....	450,000	....4,000
Philadelphia.....	do.....	1,150,000	....35,000
Western.....	do.....	500,000	....2,000
Farmers' and Mechanics'.....	do.....	1,250,000	....15,000
Bank of North America.....	do.....	1,000,000	....80,000
Bank of Germantown.....	do.....	200,000	....None
Lancaster Bank.....	Lancaster.....	403,900	....do....
Farmers' Bank.....	do.....	350,000	....do....
Lancaster County.....	do.....	179,595	....do....
Savings' Institution.....	do.....	50,000	....do....
Farmers' Bank.....	Reading.....	300,360	....do....
Harrisburg Bank.....	Harrisburg.....	240,000	....do....
Dauphin Deposit Bank.....	do.....	50,000	....do....
Lebanon.....	Lebanon.....	96,875	....do....

\* Foreigners not permitted to be shareholders.

E—Continued.

## STATE OF PENNSYLVANIA—Continued.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
Danville.....	Danville.....	150,200	....do....
Delaware County.....	Chester.....	155,700	....do....
Chester County.....	Westchester.....	250,000	....do....
Montgomery County..	Norristown.....	387,535	....do....
Bank of Bucks Co....	Bristol.....	92,220	....do....
own Bank.....	Doylestown.....	75,000	....do....
'and Mechanics'.....	Easton.....	280,000	....do....
.....	do.....	400,000	....do....
Northumberland.....	Northumberland.....	160,000	*\$760
de Bank.....	Honesdale.....	100,000	....None....
Bank.....	Pottsville.....	200,000	†1,250
'B'k of Schuylkill Co.	do.....	100,000	....None....
.....	Columbia.....	250,000	....do....
Middletown.....	Middletown.....	102,000	....do....
ag.....	Wilkesbarre.....	85,785	....do....
sts' & Manufacturers'	Pittsburg.....	600,000	....do....
Pittsburg.....	do.....	1,142,700	†\$12,100
re Bank.....	do.....	813,495	1,000
'Deposite.....	do.....	62,500	....None....
'and Drivers'.....	Waynesburg.....	100,000	....do....
abela.....	Brownsville.....	200,000	....do....
.....	Washington.....	148,762	....do....
rsburg.....	Chambersburg.....	205,470	....do....
ranch.....	Williamsport.....	100,000	....do....
Gettysburgh.....	Gettysburgh.....	123,873	....do....
Fund Society.....	Hanover.....	36,000	....do....
unk.....	York.....	400,000	....do....
nty.....	do.....	100,000	....do....
Deposite Bank.....	Carlisle.....	30,000	....do....

## STATE OF DELAWARE.

ton and Brandywine..	Wilmington.....	\$200,000	....None....
Delaware.....	do.....	110,000	....do....
'Bank of State of Del.	Dover.....	680,000	....do....
Smyrna.....	Smyrna.....	100,000	....do....
e City.....	Delaware City.....	50,000	....do....

in England. † Held in St. Johns, New Brunswick.  
in France, \$11,100; Great Britain, \$1,000.

E—Continued.

## STATE OF MARYLAND.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
Bank of Baltimore.....	Baltimore.....	\$1,200,000	\$1,000
Mechanics'.....	do.....	600,000	12,000
Merchants'.....	do.....	1,500,000	279,600
Western.....	do.....	400,000	3,300
Commercial and Farmers'.....	do.....	512,000	1,668
Franklin.....	do.....	505,000	625
Chesapeake.....	do.....	336,158	5,175
Marine.....	do.....	310,000	1,770
Farmers' and Merchants'.....	do.....	393,560	None...
Farmers' and Planters'.....	do.....	600,625	do....
Citizens'.....	do.....	250,000	do....
Union Bank of Maryland.....	do.....	916,350	18,300
Farmers' Bank of Maryland...	Annapolis.....	819,305	None...
Bank of Westminster.....	Westminster.....	60,000	do....
Farmers' and Mechanics'.....	do.....	66,000	do....
Patapsco.....	Ellicott's Mills.....	125,000	do....
Farmers' and Mechanics'.....	Frederick.....	125,430	do....
Frederick County.....	do.....	150,000	do....
Hagerstown.....	Hagerstown.....	250,000	do....
Cumberland Bank of Alleghany.....	Cumberland.....	112,937	do....
Mineral.....	do.....	234,760	do....
Washington County.....	Williamsport.....	134,988	do....
Cecil.....	Port Deposit.....	60,075	do....
Farmers' and Mechanics'.....	Chesteron.....	72,445	do....

## DISTRICT OF COLUMBIA.

Bank of the Metropolis.....	Washington.....	352,258	2,875
Bank of Washington.....	do.....	205,730	23,140
Farmers' and Mechanics'.....	Georgetown.....	289,580	do....

## STATE OF VIRGINIA.

Bank of Virginia.....	Richmond.....	2,580,900	None...
Farmers'.....	do.....	3,100,900	20,000
Exchange.....	Norfolk.....	2,100,000	do....
Bank of the Valley.....	Winchester.....	1,203,500	do....
Bank of the Old Dominion.....	Alexandria.....	373,900	do....
Northwestern.....	Wheeling.....	820,700	do....
Manufacturers' and Farmers'.....	do.....	100,000	do....
Merchants' and Mechanics'.....	do.....	540,000	6,000
Central.....	Staunton.....	186,015	None...
9 banks and 35 branches.....	do.....	do.....	do....

\* Held in British America.

E—Continued.

## STATE OF NORTH CAROLINA.

of banks.	Place.	Capital paid in.	Held by foreigners.
of North Carolina	Raleigh.....	\$1,500,000	....None...
Fear.....	Wilmington.....	1,500,000	....do....
Wilmington.....	Washington.....	263,015	....do....
Wilmington.....	Wilmington.....	350,000	....do....
Wadesboro.....	Wadesboro.....	225,000	....do....
Newbern.....	Newbern.....	225,000	....do....
Fayetteville.....	Fayetteville.....	380,000	....do....

## STATE OF SOUTH CAROLINA.

Mechanics'.....	Charleston.....	\$1,000,000	\$25,575
Charleston.....	do.....	3,160,800	86,200
of South Carolina.....	do.....	3,500,000	....None...
do.....	do.....	1,000,000	54,150
do.....	do.....	1,000,000	....None...
Carolina.....	do.....	1,000,000	....do....
Railroad.....	do.....	872,475	....do....
Cheraw.....	Cheraw.....	400,000	....do....
Georgetown.....	Georgetown.....	200,000	....do....
Hamburg.....	Hamburg.....	500,000	....do....
Camden.....	Camden.....	400,000	....do....

## STATE OF GEORGIA.

of Georgia.....	Savannah.....	\$1,500,000	....None...
do.....	do.....	535,400	....do....
Savannah.....	do.....	400,000	....do....
Life Insurance.....	do.....	800,000	27,250
Augusta.....	Augusta.....	600,000	28,300
do.....	do.....	500,000	....None...
Wick.....	do.....	250,000	....do....

—Georgia Railroad and Banking Company included in Railroad table.

## STATE OF ALABAMA.

Mobile.....	Mobile.....	\$1,500,000	604,100
of Alabama.....	do.....	500,000	....None...
Montgomery.....	Montgomery.....	100,000	....do....
Huntsville.....	Huntsville.....	111,300	....do....



## STATE OF LOUISIANA.

Bank.....	New Orleans.....	\$1,987,960	603,800
Banking Company.....	do.....	3,164,000	840,000
iana.....	do.....	3,993,560	1,104,600

of the State of South Carolina is pledged for one million of State bonds held in

E—Continued.

## STATE OF MISSISSIPPI.

Names of banks.	Place.	Capital paid in.	Held  foreign 
Northern Bank of Mississippi.	Holly Springs.....	\$240,165	....None...

## STATE OF TENNESSEE.

Bank of Tennessee.....	Nashville.....	\$3,199,613	....None...
Union.....	...do.....	1,879,264	\$21,500
Planters'.....	...do.....	2,248,300	320,000
Exchange.....	Murfreesboro'.....	250,000	....None...
Laurenceburg.....	Laurenceburg.....	105,000	....do....

## STATE OF KENTUCKY.

Bank of Kentucky.....	Louisville.....	\$3,700,000	\$23,600
Bank of Louisville.....	...do.....	1,080,000	10,700
Farmers'.....	Frankfort.....	1,313,410	....None...
Commercial.....	Paducah.....	269,037	....do....
Kentucky Trust Co. Bank....	Covington.....	600,000	....do....
Northern Bank of Kentucky...	Lexington.....	2,500,000	34,900
Southern Bank of Kentucky...	Russelville.....	1,049,078	....None...

## STATE OF MISSOURI.

Bank of State of Missouri.....	St. Louis.....	\$1,215,405	\$40,300
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## STATE OF WISCONSIN.

Bank of Racine.....	Racine.....	\$50,000	....None...
State Bank.....	Madison.....	50,000	....do....
Rock River.....	Beloit.....	25,000	....do....
City Bank.....	Kenosha.....	30,000	....do....
Wisconsin Bank.....	Mineral Point.....	25,000	....do....
State Bank.....	Milwaukee.....	150,000	....do....
Farmers' and Millers'.....	...do.....	50,000	....do....
Marine and Fire Insurance....	...do.....	100,000	....do....

E—Continued.

## STATE OF ILLINOIS.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
America.....	Chicago.....	\$50,000	....None...
and Mechanics'	do.....	50,000	....do....
.....	do.....	230,000	....do....
.....	do.....	60,000	....do....
.....	do.....	66,000	....do....
ial.....	do.....	52,000	....do....
Lucas & Simmonds...	Springfield.....	58,751	....do....
s' and Farmers'	do.....	77,700	....do....
Exchange Bank.....	do.....	219,380	....do....
Bank of Illinois.....	Belville.....	50,000	....do....
Ottawa.....	Ottawa.....	65,000	....do....
.....	Peoria.....	89,500	....do....
ty.....	Quincy.....	50,000	....do....
nk.....	Alton.....	50,000	....do....
urity Bank.....	Danville.....	103,000	....do....
Rockford.....	Rockford.....	57,101	....do....
nd.....	Rock Island.....	50,000	....do....

## STATE OF INDIANA.

nk of Indiana.....	Indianapolis.....	\$2,083,107	....None...
bank of Indiana.....	Terre Haute.....	100,000	....do....
ity.....	do.....	163,000	....do....
ient Stock Bank.....	Lafayette.....	50,000	....do....
y.....	do.....	51,000	....do....
Stock Bank.....	Laporte.....	100,156	....do....
nk of Indiana.....	Peru.....	100,000	....do....
ock Bank.....	Newport.....	84,000	....do....
ock Security.....	do.....	5,000	....do....
North America.....	do.....	17,000	....do....
Connersville.....	Connersville.....	200,000	....do....

## STATE OF MICHIGAN.

' and Mechanics'	Detroit.....	\$400,000	....None...
ar.....	do.....	200,000	....do....
State.....	do.....	151,578	....do....
Insurance.....	do.....	200,000	....do....
ient Stock Bank.....	Ann Arbor.....	100,000	....do....
Macomb County.....	Mount Clemens.....	150,000	....do....

## STATE OF OHIO.

e.....	Cincinnati.....	\$286,300	\$1,500
cs' and Traders'	do.....	100,000	....None...
cial.....	do.....	50,000	....do....
Bank.....	do.....	25,000	....do....
nk.....	do.....	83,000	....do....
e and Trust Co.....	do.....	2,000,000	....do....
Branch Bank*	do.....	.....	....do....
Circleville.....	Circleville.....	200,000	....None...
y County.....	do.....	100,000	....do....

\* Wound up.

E—Continued.

## STATE OF OHIO—Continued.

Names of banks.	Place.	Capital paid in.	Held by foreigners.
Canal .....	Cleveland .....	\$100,000	None...
Forest City .....	do. ....	95,200	do....
Bank of Commerce .....	do. ....	100,000	do....
City .....	do. ....	150,000	do....
Commercial .....	do. ....	175,000	do....
Merchants' .....	do. ....	125,000	do....
Chillicothe .....	Chillicothe .....	250,000	do....
Ross County .....	do. ....	150,000	do....
Dayton .....	Dayton .....	107,000	do....
Miami Valley .....	do. ....	200,000	do....
City .....	Columbus .....	148,680	do....
Exchange .....	do. ....	125,000	do....
Clinton .....	do. ....	250,000	\$12,400
Franklin .....	do. ....	175,000	None...
Sandusky City .....	Sandusky .....	62,500	do....
Union .....	do. ....	115,000	do....
Wayne County .....	Wooster .....	90,000	do....
Hocking Valley .....	Lancaster .....	100,000	do....
Mahoning County .....	Youngstown .....	189,360	do....
Western Reserve .....	Warren .....	300,000	do....
Summit County .....	Cuyahoga Falls .....	100,000	do....
Seneca County .....	Tiffin .....	50,000	do....
Bank of Marion .....	Marion .....	100,000	do....
Delaware County .....	Delaware .....	94,500	do....
Commercial .....	Toledo .....	150,000	do....
Branch Bank of Toledo .....	do. ....	130,500	do....
Farmers' .....	Ripley .....	100,000	do....
Logan .....	Logan .....	100,000	do....
Jefferson .....	Steubenville .....	100,000	do....
Portage .....	Ravenna .....	103,000	do....
Portsmouth .....	Portsmouth .....	100,000	do....
Guernsey .....	Guernsey .....	100,000	do....
Marietta .....	Marietta .....	100,000	do....
Farmers' .....	Mansfield .....	100,000	do....
Massillon .....	Massillon .....	200,000	do....
Union .....	do. ....	150,000	do....
Merchants' .....	do. ....	60,000	do....
Piqua .....	Piqua .....	100,000	do....
Champagne County .....	Urbanna .....	51,100	do....
Belmont .....	Bridgeport .....	100,000	do....
Iron .....	Ironton .....	100,000	do....
Athens .....	Athens .....	100,000	do....
Preble County .....	Eaton .....	100,000	do....
Franklin .....	Zanesville .....	100,000	do....
Muskingum .....	do. ....	100,000	do....
Stark County .....	Canton .....	30,000	do....
Springfield .....	Springfield .....	100,000	do....
Mad River Valley .....	do. ....	100,000	do....
Xenia .....	Xenia .....	100,000	do....
Knox County .....	Mount Vernon .....	100,000	do....
Mount Pleasant .....	Mount Pleasant .....	100,000	do....
Farmers' .....	Ashtabula .....	100,000	do....
Lorain .....	Elyria .....	74,765	do....
Harrison .....	Cadiz .....	100,000	do....
Miami County .....	Troy .....	100,000	do....
Farmers' .....	Salem .....	100,000	do....
Bank of Geauga .....	Painesville .....	50,000	do....
Norwalk .....	Norwalk .....	125,000	do....
Bank of Akron .....	Akron .....	100,000	do....
Licking County ..(extinct) .....	Newark .....		do....

E—Continued.

## SUMMARY OF BANK STATEMENTS.

State.	Number of banks.	Capital paid in.	Held by for- eigners.
.....	41	\$4,352,625	\$48,500
.....	32	2,793,000	16,145
mpshire.....	32	3,142,458	100
.....	32	25,005,800	381,410
assachusetts banks.....	107	19,755,000	56,740
ce.....	28	10,511,100	7,000
ode Island banks.....	39	3,402,161	.....
cut.....	53	13,795,734	23,500
k city.....	50	43,340,482	1,734,645
ew York banks.....	168	24,861,699	40,350
ey.....	29	4,739,580	2,750
hia.....	16	10,900,000	153,320
nnsylvania banks.....	37	8,521,970	14,110
.....	8	1,140,000	.....
.....	12	7,523,693	323,436
ryland banks.....	14	2,211,210	.....
f Columbia.....	3	847,568	26,015
.....	44	11,004,915	26,000
rolina.....	22	4,443,015	.....
rolina.....	13	13,033,275	165,925
.....	13	4,585,400	55,550
.....	4	2,211,300	604,100
.....	3	9,145,520	2,548,400
pi.....	1	240,165	.....
e.....	23	7,682,177	341,500
.....	33	10,511,525	79,200
.....	6	1,215,405	40,300
.....	17	1,378,432	.....
.....	23	2,953,263	.....
.....	68	9,794,905	.....
.....	6	1,201,578	.....
n.....	8	480,000	.....
l of banks, including branches...●.....	985	266,724,955	6,688,996

summary are included, it is believed, all the banks that, on the 30th of June, 1853, are their stockholders foreigners residing beyond the bounds of the United States. The twenty or thirty banks returns could not be obtained, but they were, with a few exceptions, such as were very small, or had but recently commenced business.



## F.

## INSURANCE COMPANIES.

*General statement of so many as have made returns to the Treasury Department.*

Name.	Place.	Capital authorized.	Capital paid in.	Held by foreigners.	Bonds outstanding.	Held by foreigners.
Neptune .....	Boston .....	\$300,000	\$300,000	None .....	None .....	None .....
Franklin .....	do .....	300,000	300,000	do .....	do .....	do .....
Cochituate .....	do .....	150,000	150,000	do .....	do .....	do .....
Suffolk .....	do .....	225,000	225,000	do .....	do .....	do .....
Mercantile .....	do .....	300,000	300,000	*\$3,000	do .....	do .....
Warren .....	do .....	150,000	150,000	None .....	do .....	do .....
Boylston .....	do .....	300,000	300,000	do .....	do .....	do .....
North American .....	do .....	200,000	107,500	do .....	do .....	do .....
Eliot .....	do .....	200,000	153,950	do .....	do .....	do .....
Boston .....	do .....	500,000	500,000	do .....	do .....	do .....
Merchants' .....	do .....	300,000	13 0 0	do .....	do .....	do .....
Firemen's .....	do .....	200,000	200,000	do .....	do .....	do .....
Oriental .....	Salem .....	200,000	106,100	do .....	do .....	do .....
Howard .....	Lowell .....	100,000	100,000	do .....	do .....	do .....
Essex .....	Salem .....	100,000	100,000	do .....	do .....	do .....
Marine and Fire .....	Marblehead .....	50,000	50,000	do .....	do .....	do .....
Old Colony .....	Plymouth .....	50,000	50,000	do .....	do .....	do .....
Marine .....	Gloucester .....	100,000	100,000	do .....	do .....	do .....
Commercial .....	Nantucket .....	100,000	100,000	do .....	do .....	do .....
Whaling .....	New Bedford .....	100,000	100,000	do .....	do .....	do .....
Western .....	Pittsfield .....	150,000	75,000	do .....	do .....	do .....
Union .....	Provincetown .....	200,000	200,000	11,500	do .....	do .....
Fire and Marine .....	New York .....	150,000	150,000	None .....	do .....	do .....
Republic .....	do .....	200,000	200,000	5,000	do .....	do .....
Niagara .....	do .....	300,000	300,000	4,000	do .....	do .....
Bowery .....	do .....	204,000	204,000	9,000	do .....	do .....
Firemen's .....	do .....	150,000	150,000	9,050	do .....	do .....
Adams .....	do .....					

Kaiserbocker	do.	200,000	200,000	None	do.	do.
Lerrillard	do.	200,000	200,000	37,920	do.	do.
Washington	do.	200,000	200,000	11,000	do.	do.
Greenwich	do.	200,000	200,000	do.	do.	do.
North River	do.	200,000	200,000	14,325	do.	do.
Grocer	do.	350,000	350,000	3,450	do.	do.
Empire City	do.	200,000	200,000	1,000	do.	do.
Howard	do.	200,000	200,000	4,000	do.	do.
United States	do.	250,000	250,000	18,850	do.	do.
Commercial	do.	250,000	250,000	23,025	do.	do.
People's	do.	200,000	200,000	None	do.	do.
National	do.	150,000	150,000	do.	do.	do.
BrcaJway	do.	150,000	150,000	937	do.	do.
Mercantile Mutual	do.	200,000	200,000	None	do.	do.
Metua	do.	200,000	200,000	do.	do.	do.
Manhattan Life	do.	100,000	100,000	9,050	do.	do.
North American	do.	250,000	250,000	None	do.	do.
Equitable	do.	do.	do.	16,950	do.	do.
Long Island	do.	do.	do.	17,710	do.	do.
Brooklyn	do.	200,000	200,000	77,500	do.	do.
Merchants'	do.	102,000	102,000	None	do.	do.
New York	do.	200,000	200,000	do.	do.	do.
Philadelphia	do.	500,000	500,000	16,940	do.	do.
Phoenix Mutual	do.	120,000	165,320	9,130	do.	do.
American Fire	do.	277,500	277,500	**3,750	do.	do.
Ins. Co. of State of Pennsylvania	do.	200,000	200,000	113,800	do.	do.
Girard	do.	300,000	300,000	112,500	do.	do.
County Fire	do.	400,000	100,000	None	do.	do.
Pennsylvania Life	do.	500,000	500,000	do.	do.	do.
Firemen's	do.	420,000	294,000	64,900	do.	do.
Mutual	do.	do.	do.	None	do.	do.
Life Insurance Company	do.	do.	142,280	do.	do.	do.
Federick	do.	do.	97,000	do.	do.	do.
Baltimore	do.	do.	do.	do.	do.	do.
National	do.	300,000	100,000	do.	do.	do.

\* Held by the widow of an American citizen, residing in France.

† An English gentleman, married in Boston, holds \$2,500 in trust for his children, born in Boston.

‡ Held in Switzerland.

§ All held in this country, with a very trifling exception.

|| \$2,075 held in Scotland, and \$2,250 in Bermuda

‡ Held in Canada, Bermuda, and France. Have reason to believe that a small portion of stock, held in the name of residents, is owned by foreigners.

\*\* Held in Scotland

†† Held in England

## F—Continued.

Name.	Place.	Capital author- ized.	Capital paid in.	Held by for- eigners.	Bonds out- standing.	Held by for- eigners.
Fire Association .....	Richmond .....			None .....	None .....	None .....
Charleston .....	Charleston .....	\$400,000	\$190,080	do. ....	do. ....	do. ....
Commercial .....	do. ....			do. ....	do. ....	do. ....
Mobile .....	Mobile .....			do. ....	do. ....	do. ....
Merchants .....	Alabama .....		100,000	\$43,000	do. ....	do. ....
Alabama Life Ins. and Trust Co. ....	do. ....		250,000	48,600	do. ....	do. ....
Home Mutual .....	do. ....			30,200	do. ....	do. ....
Sun Mutual .....	New Orleans .....			None .....	do. ....	do. ....
Crescent Mutual .....	do. ....			do. ....	do. ....	do. ....
	do. ....			do. ....	do. ....	do. ....

• Held in England.



## SUMMARY OF INSURANCE COMPANIES RETURNS.

Place.	No. of companies.	Capital paid in.	Held by foreigners.
Boston.....	12	\$2,786,450	\$3,000
Other Massachusetts.....	10	981,100	None...
New York and Brooklyn.....	32	5,846,000	192,352
Philadelphia.....	7	2,042,820	101,020
Baltimore.....	4	536,280	None...
Charleston, South Carolina.....	2	.....	do....
Mobile.....	3	350,000	81,800
New Orleans.....	3	.....	None...
Richmond, Virginia.....	1	190,080	do....
Frederick, Maryland.....	1	97,000	do....
Total.....	75	12,829,730	378,172

NOTE.—The number of insurance companies in the country is not known; but it is to be presumed that few, if any of them, except in the cities above-mentioned, have any foreign stockholders.

## G.

*General statement of so many railroad companies as have made returns to the Treasury Department of the amount of capital authorized, the amount paid in, and the amount thereof held by foreigners; and also of the amount of bonds outstanding, and the amount thereof held by foreigners, so well as could be ascertained on or near June 30, 1853.*

Names of railroads and States in which located.	Capital authorized.	Capital paid in.	Capital held by foreigners.	Bonds outstanding.	Bonds held by foreigners.	Remarks.
<i>Maine and Canada.</i>						
Atlantic and St. Lawrence.....	\$4,000,000	\$1,814,100	\$200,000	\$1,000,000	\$200,000	
<i>Maine.</i>						
Portland, Saco and Portsmouth.....	1,500,000	1,337,000	None....	120,000	None....	
Calais and Baring.....	200,000	100,000	44,300	100,000	56,000	
Machias Port.....	100,000	100,000	None....	None....	None....	
Kennebeck and Portland.....	1,600,000	721,446	do.....	525,000	do.....	
Androscoggin and Kennebeck.....	1,400,000	860,000	do.....	1,103,409	do.....	
Bangor and Piscataqua.....	300,000	135,000	do.....	None....	do.....	
<i>Vermont.</i>						
Vermont Valley.....	500,000	505,480	do.....	500,000	do.....	
Western Vermont.....	1,000,000	300,000	do.....	330,000	do.....	
<i>Vermont and New York.</i>						
Rutland and Washington.....	1,600,000	800,000	None....	550,000	do.....	
<i>Vermont and Massachusetts.</i>						
Vermont and Massachusetts.....	2,900,000	2,233,839	do.....	995,400	500	
<i>Vermont.</i>						
Connecticut and Passumpsic.....	2,000,000	984,600	do.....	770,000	None....	
						A very few shares of stock held in Canada.

Additional bonds for \$754,000 issued by cities and towns, for which the company is liable.

This road cost, originally, \$335,000, but was sold to the present company for \$135,000.

Bonds negotiated, \$1,200,000.

New Hampshire and Massachusetts.					Held in Halifax, \$1,800; in Mexico, \$1,300.				
<i>White Mountain.</i>					150,000	None	150,000	None	None
<i>Portsmouth and Concord.</i>					370,000	None	350,000	69,300	None
<i>Wilton.</i>					311,500	do.	14,000	None	None
<i>Contoocook.</i>					200,000	do.	135,000	do.	do.
<i>Great Falls and Conway.</i>					153,143	do.	10,350	do.	do.
<i>Concord.</i>					1,485,000	do.	None	do.	do.
<i>Northern.</i>					2,768,190	5,400	do.	do.	do.
<i>Boston, Concord and Montreal.</i>					1,649,278	None	622,200	100,000	do.
<i>Cheshire.</i>					2,219,000	2,000	734,600	20,000	do.
<i>Cocheco.</i>					393,047	None	314,200	None	do.
<i>Nashua and Lowell.</i>					600,000	3,100	None	do.	do.
<i>Massachusetts.</i>									
<i>Berkshire.</i>					600,000	None	None	None	None
<i>Salmon and Lowell.</i>					243,305	do.	80,000	do.	do.
<i>South Shore.</i>					250,000	do.	134,500	do.	do.
<i>Fitchburg and Worcester.</i>					227,768	do.	65,500	do.	do.
<i>Lexington and West Cambridge.</i>					121,000	do.	120,000	do.	do.
<i>Grand Junction.</i>					850,000	do.	504,021	104,121	do.
<i>Fairhaven.</i>					98,820	do.	None	None	do.
<i>Stockbridge and Pittsfield.</i>					443,000	do.	do.	do.	do.
<i>Stoney Brook.</i>						do.	do.	do.	do.
<i>Boston and Lowell.</i>					1,830,000	20,000	do.	do.	do.
<i>Norfolk County.</i>					457,000	None	700,000	do.	do.
<i>Fitchburg.</i>					3,540,000	do.	None	do.	do.
<i>Cape Cod.</i>					565,650	do.	171,800	do.	do.
<i>Worcester and Nashua.</i>					1,140,600	24,075	188,500	do.	do.
<i>Lowell and Lawrence.</i>					200,000	None	100,000	do.	do.
<i>Fall River.</i>					1,050,000	do.	None	do.	do.
<i>Sauger's Branch.</i>					123,650	do.	do.	do.	do.
<i>Boston and Worcester.</i>					4,500,000	117,200	425,000	do.	do.
<i>Pittsfield and North Adams.</i>					500,000	None	None	do.	do.
<i>Stoughton Branch.</i>					100,000	do.	do.	do.	do.

## G—Continued.

Names of railroads and States in which located.	Capital authorized.	Capital paid in.	Capital held by foreigners.	Bonds outstanding.	Bonds held by foreigners.	Remarks.
<i>Massachusetts—Continued.</i>						
Harvard Branch .....	\$40,000	\$20,800	.....None ...	\$5,950	.....None ...	Twenty shares of stock held in Mexico, and two in Sandwich Islands.
Connecticut River .....	1,750,000	1,591,100	\$103,400	220,500	\$10,000	
Old Colony .....	2,000,000	1,964,070	2,200	328,800	.....None ...	
<i>Massachusetts and New Hampshire.</i>						
Eastern .....	3,150,000	2,850,000	50,000	710,000	650,000	
<i>Massachusetts.</i>						
Newburyport .....	\$300,000	\$137,260	.....None ...	\$82,500	.....None ...	
New Bedford and Taunton .....	500,000	500,000	.....do.....	.....None ...	.....do.....	
Medway Branch .....	35,000	29,000	.....do.....	.....do.....	.....do.....	
<i>Massachusetts and New Hampshire.</i>						
Boston and Maine .....	4,550,000	4,155,700	11,900	150,000	.....do.....	
<i>Massachusetts.</i>						
Wrentham .....	6,500,000	5,150,000	800,000	4,000,000	3,200,000	
<i>Massachusetts and Rhode Island.</i>						
Boston and Providence .....	3,160,000	3,160,000	9,000	390,000	.....None ...	
<i>Massachusetts.</i>						
West Stockbridge .....	40,000	40,000	.....None ...	.....None ...	.....do.....	

GENERAL SUMMARY OF THE INVESTMENT.						
Providence and Worcester.....	1,457,500	1,457,500	.....do.....	300,000	.....do.....	.....do.....
Rhode Island.						
Providence and Warren.....	375,000	17,000	.....do.....	None.....	.....do.....	Work just begun.
Connecticut.						
Hartford and New Haven.....	2,350,000	2,350,000	50,000	800,000	90,000	
Housatonic.....	2,000,000	2,000,000	None.....	300,000	None.....	
Naugatuck.....	1,000,000	1,000,000	.....do.....	440,000	.....do.....	
Danbury and Norwalk.....	.....	285,000	.....do.....	60,000	.....do.....	
Connecticut, Rhode Island, and New York						
Hartford, Providence, and Fishkill.....	4,000,000	1,373,590	.....do.....	757,730	.....do.....	
Connecticut.						
New London, Willimantic, and Palmer....	1,700,000	528,700	.....do.....	865,000	.....do.....	
Connecticut and Massachusetts.						
New Haven and Northampton.....	1,700,000	922,500	.....do.....	500,000	.....do.....	
Connecticut.						
New Haven and New London.....	.....	750,000	.....	650,000	.....do.....	
Connecticut and Massachusetts.						
Norwich and Worcester.....	.....	2,112,110	.....	583,000	.....do.....	
New York.						
Hudson River.....	4,000,000	3,740,515	5,000	7,500,000	928,000	
Long Island.....	.....	3,000,000	.....	618,935	None.....	
New York and Erie.....	10,500,000	10,000,000	300,000	19,200,000	7,000,000	
Bedford and Saratoga.....	610,000	610,000	None.....	150,000	None.....	



## G—Continued.

Names of railroads and States in which located.	Capital authorized.	Capital paid in.	Capital held by foreigners.	Bonds outstanding.	Bonds held by foreigners.	Remarks.
<i>New York—Continued.</i>						
Canandaigua and Elmira.....	\$1,600,000	\$431,000	None....	\$800,000	None....	
Buffalo and State Line.....	1,100,000	1,100,000	\$6,400	1,000,000	Not known.	
Albany and Susquehanna.....	4,000,000	143,000	None....	None....	None....	
Buffalo and Niagara Falls.....	565,000	564,158	15,000	69,670	do....	
Saratoga and Washington.....	1,350,000	899,800	150,000	940,000	do....	
Syracuse and Binghamton.....	1,200,000	280,661	None....	None....	None....	
Lake Ontario and Auburn.....	1,500,000	150,000	do....	do....	do....	
Oswego and Syracuse.....	700,000	350,000	do....	201,500	do....	
Cayuga and Susquehanna.....	1,500,000	687,000	do....	400,000	do....	
Genesee Valley.....	1,800,000	347,570	do....	None....	do....	
Watertown and Rome.....	1,500,000	1,350,000	Not known.	541,000	Not known.	
Saratoga and Schenectady.....	300,000	300,000	10,000	83,000	None....	
Harlem.....		8,000,000	350,000	1,400,000	\$150,000	
Buffalo and New York City.....	1,500,000	905,709	None....	1,038,000	Not known.	
Buffalo, Corning, and New York.....	1,400,000	1,043,256	do....	1,000,000	do....	
<i>New York and Connecticut.</i>						
New York and New Haven.....	3,000,000	2,992,500	202,000	1,991,000	do....	
<i>New York and Massachusetts.</i>						
Hudson and Berkshire.....	450,000	380,000	None....	175,000	None....	
<i>New York and Canada.</i>						
Quebec and Montreal.....	503,000	193,000	do....	186,000	3,500	
<i>New York, etc.</i>						
New York, Portland, and Boston.....	1,503,000	1,503,000	do....	299,000	None....	

Stock to the amount of \$6,400 held in England.  
Road just begun.

Canada and Amboy.....	3,000,000	.....	7,784,150	2,411,750	
Delaware and Delaware.....	.....	.....	1,000,000	1,000,000	
Central.....	2,000,000	.....	1,500,000	100,000	
Berlington and Mount Holly.....	100,000	.....	30,000	.....	None...
New Jersey Railroad and Transportation Co.	3,250,000	.....	2,750,000	30,000	.....
Patterson and Hudson.....	630,000	.....	.....	.....	.....
Morris and Essex.....	2,000,000	.....	.....	.....	.....
			1,023,500	.....	.....
<b>Pennsylvania.</b>					
Pennsylvania.....	18,000,000	10,810,190	668,350	3,000,000	2,500,000
Philadelphia, Germantown, and Norristown.	800,000	791,300	.....	373,300	30,800
Chester Valley.....	.....	600,000	.....	500,000	.....
Cheanut Hill.....	.....	90,000	.....	.....	.....
Lancaster, Lebanon, and Pine Grove.....	4,000,000	4,000,000	.....	.....	.....
Lehigh Valley.....	3,000,000	325,000	.....	140,000	.....
York and Cumberland.....	1,500,000	527,912	.....	400,000	.....
			.....	.....	.....
Hanover Branch.....	500,000	115,000	.....	41,000	.....
Strasburg.....	100,000	36,765	.....	.....	.....
Harrisburg and Lancaster.....	1,000,000	830,000	.....	713,226	410,726
York and Maryland Line.....	200,000	200,000	.....	.....	.....
Wrightsville, York, and Gettysburg.....	1,000,000	317,100	.....	100,000	.....
Westchester.....	110,000	110,000	.....	22,000	.....
Philadelphia and Trenton.....	1,000,000	1,000,000	.....	200,000	.....
Mount Carbon and Port Carbon.....	.....	235,700	.....	.....	.....
Mill Creek and Mine Hill.....	Unlimited.	234,000	.....	.....	.....
Mount Carbon.....	200,000	178,000	.....	.....	.....
Philadelphia and Reading.....	Unlimited.	7,316,300	.....	9,353,000	6,000,000
Cumberland Valley.....	1,300,000	1,176,050	.....	24,000	.....
Lyken's Valley.....	400,000	250,000	.....	.....	.....
Delaware, Lackawanna, and Western.....	Unlimited.	1,438,675	.....	.....	.....
Mine Hill and Schuylkill Haven.....	1,000,000	1,000,000	.....	900,000	Not known.
Alleghany Valley.....	1,500,000	.....	.....	.....	.....
Allegany and Erie.....	5,000,000	200,000	.....	.....	.....
Sunbury and Erie.....	6,000,000	140,000	.....	.....	.....
Erie and Northeast.....	600,000	600,000	.....	105,000	.....
Franklin Canal.....	.....	500,000	.....	65,000	.....

Nov. 1st, bonds outstanding reduced to \$40,000.  
Bonds issued in aid of an associate company.

Held in Bremen, \$90,800; in London, \$10,000.

\$200,000 of bonds issued in aid of an associate company.

Just begun. Capital secured, \$3,800,000.  
Stock subscribed, June 30, 1883, \$9,000,000.  
From report to legislature of Pennsylvania.

## G—Continued.

Names of railroads and States in which located.	Capital authorized.	Capital paid in.	Capital held by foreigners.	Bonds outstanding.	Bonds held by foreigners.	Remarks.
<i>Pennsylvania and New York.</i>						
Williamsport and Elmira.....	\$1,500,000	\$800,000	.....None...	\$500,000	.....None...	An additional \$500,000 in bonds, since negotiated.
<i>Pennsylvania, Virginia, and Ohio.</i>						
Pittsburg and Steubenville.....	1,500,000	700,000	.....do.....	.....None...	.....do.....	
<i>Pennsylvania, Delaware, and Maryland.</i>						
Philadelphia, Baltimore, and Wilmington..	3,850,000	3,850,000	\$132,100	2,161,776	\$61,700	
<i>New York and Pennsylvania.</i>						
Corning and Bloesburg.....	250,000	250,000	.....None...	150,000	.....None...	
<i>Delaware and Maryland.</i>						
Newcastle and Frenchtown.....		861,420	.....do.....	.....None...	.....do.....	Including capital invested in steamboats.
<i>Maryland and Virginia.</i>						
Baltimore and Ohio.....		13,118,902	300,000	5,677,012	765,000	Floating debt, Sept. 30, 1853, \$9,383,092.
<i>Maryland and District of Columbia.</i>						
Washington Branch.....		1,650,000	.....None...	.....None...	.....None...	
<i>Maryland.</i>						
Annapolis and Elk Ridge.....	450,000	300,000	.....None...	71,296	.....do.....	
Baltimore and Susquehanna.....	1,000,000	450,000	.....do.....	1,165,000	.....do.....	

Richmond and Danville	2,000,000	138,907	200,000	138,907	200,000	This road is the property of the city of Petersburg.
Appomattox						
Petersburg	769,000	769,000	None	None	None	
Greenville and Roanoke	200,000	200,000	200,000	200,000	200,000	
Mannassa's Gap	2,400,000	803,561	803,561	803,561	803,561	
Alexandria, Loudon, and Hampshire	3,500,000					Subscriptions not yet completed.
Orange and Alexandria	2,957,500	1,340,567	400,000	400,000	400,000	
Virginia and Tennessee						
Virginia and Tennessee	4,500,000	2,587,400	2,500	39,000	39,000	Bonds to the amount of \$1,500 authorized.
Virginia and North Carolina						
Seaboard and Roanoke	1,500,000	419,000	None	600,000	200,000	
Roanoke Valley	300,000	178,718	None	None	None	
North Carolina						
Wilmington and Raleigh		1,338,878		685,779	685,779	Hell in England.
North Carolina	3,000,000	1,000,000	None	None	None	
Raleigh and Gaston	975,000	975,000	None	None	None	
North and South Carolina						
Wilmington and Manchester				800,000	150,000	Held in England.
Charlotte and South Carolina	2,000,000	1,150,000	None	310,000	None	
King's Mountain	300,000	200,000	None	None	None	
South Carolina						
South Carolina	12,000,000	4,185,180	None	2,814,590	1,914,444	
Greenville and Columbia	2,000,000	1,000,029	None	400,000	None	
Laurens		161,000	None	25,000	25,000	

## G—Continued.

Names of railroads and States in which located.	Capital authorized.	Capital paid in.	Capital held by foreigners.	Bonds outstanding.	Bonds held by foreigners.	Remarks.
<i>South Carolina and Tennessee.</i>						
Charleston and Memphis .....	Unlimited..	\$1,014,095	.....None	.....None	.....None	
<i>Georgia.</i>						
Central .....	\$4,000,000	3,500,000	.....do.	\$427,000	.....do.	\$33,100 of stocks, and \$16,000 of bonds held by British subjects.
Georgia .....	4,000,000	3,981,751	\$33,100	743,845	\$16,000	
South Western .....	2,000,000	937,000	.....None	220,000	.....None	
Rome Branch .....	126,000	126,000	.....do.	.....None	.....do.	
Atlanta and La Grange .....	1,000,000	830,000	.....do.	.....do.	.....do.	
Washington Branch .....	.....	156,000	.....do.	.....do.	.....do.	
Macon and Western .....	1,500,000	1,214,000	20,000	163,900	.....do.	
<i>Georgia and Alabama.</i>						
Girard .....	4,000,000	380,000	.....None	.....None	.....do.	
<i>Georgia and Florida.</i>						
Brunswick and Florida .....	3,000,000	200,000	.....do.	.....do.	.....do.	\$9,000,000 of stock subscribed.
<i>Florida.</i>						
Tallahassee .....	200,000	200,000	.....do.	.....do.	.....do.	
<i>Alabama.</i>						
Montgomery and West Point .....	1,500,000	900,000	.....do.	416,782	.....do.	Held generally by Frenchmen and Germans.
Alabama and Tennessee River .....	1,500,000	574,175	.....do.	500,000	500,000	

Pontchartrain.....	500,000	500,000	None.....	None.....	None.....	This road is the property of a private family.
Mexican Gulf.....	.....	.....	.....	15,000	15,000	
Gilston.....	.....	.....	None.....	52,500	None.....	
New Orleans and Carrollton.....	3,000,000	600,000	30,000	50,000	do.....	
<i>Mississippi.</i>						
Southern.....	2,500,000	445,000	None.....	None.....	do.....	This includes all the debts of the company.
<i>Mississippi and Louisiana.</i>						
Woodville and St. Francisville.....	1,500,000	881,200	29,000	do.....	do.....	
<i>Tennessee.</i>						
Nashville and Chattanooga.....	.....	2,004,014	None.....	850,000	do.....	
McMinnville and Manchester.....	417,000	302,000	do.....	None.....	do.....	This includes all the debts of the company.
<i>Tennessee and Georgia.</i>						
East Tennessee and Georgia.....	2,000,000	882,991	do.....	233,000	48,000	
<i>Tennessee and Alabama.</i>						
Winchester and Alabama.....	500,000	70,000	do.....	None.....	do.....	
<i>Kentucky.</i>						
Lexington and Frankfort.....	.....	357,217	do.....	172,535	do.....	This includes all the debts of the company.
Lexington and Danville.....	1,300,000	250,000	do.....	600,000	do.....	
Louisville and Frankfort.....	1,000,000	853,687	do.....	316,000	200,000	
Mayesville and Lexington.....	1,000,000	902,000	do.....	500,000	Not known.	
<i>Illinois.</i>						
Northern Cross.....	5,000,000	195,000	do.....	1,200,000	None.....	This includes all the debts of the company.
Galena and Chicago.....	3,000,000	1,913,000	75,000	508,500	125,000	

## G—Continued.

Names of railroads and States in which located.	Capital authorized.	Capital paid in.	Capital held by foreigners.	Bonds out- standing.	Bonds held by foreigners.	Remarks.
Illinois—Continued.						
Chicago and Aurora.....	\$1,000,000	\$450,000	.....None....	\$550,000	.....None....	Or a very small amount, if any. Illinois Central stock issued to June 30, 1853, 140,000 shares at \$100 each, of which 28,330 shares were issued to foreigners. The whole amount of bonds segregated up to January 1, 1854, was about \$14,000,000, payable to the company by instalments: of this amount there were subscribed by foreigners about \$4,000,000.
Chicago, St. Charles and Mississippi.....	5,000,000	150,000	.....do.....	.....None....	.....do.....	
Chicago and Rock Island.....	2,200,000	1,500,000	.....do.....	1,700,000	.....do.....	
Illinois Central.....	17,000,000	788,115	.....do.....	3,172,000	\$1,216,500	
Indiana and Illinois.						
Terre Haute and Alton.....	4,000,000	1,215,000	.....None....	1,000,000	.....None....	
Illinois.						
Bellville and Illinois Town.....	Unlimited..	100,000	.....do.....	600,000	600,000	
Central Military Tract.....	1,600,000	400,000	.....do.....	800,000	.....None....	
Indiana.						
New Albany and Salem.....	Unlimited..	1,850,000	.....do.....	3,000,000	500,000	Sold to a German house in New York, \$300,000 in bonds.
Peru and Indianapolis.....	.....do.....	800,000	.....do.....	100,000	.....None....	
Indiana Central.....	.....do.....	.....do.....	.....do.....	900,000	300,000	
Terre Haute and Richmond.....	.....do.....	737,350	\$80,000	632,000	.....None....	
Indianapolis and Bellefontaine .....	2,000,000	712,500	.....None....	715,400	238,466	•
Madison and Indianapolis.....	Unlimited..	1,650,000	200,000	600,000	450,000	
Lafayette and Indianapolis.....	.....do.....	900,000	.....None....	500,000	Not known.	
Evansville and Crawfordsville.....	1,000,000	310,850	.....do.....	350,000	.....None....	
Ohio.						
.....	2,000,000	2,445,000	172,000	240,000	Not known.	But little, if any, held by foreigners.

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Cleveland and Mahoning.....	1,500,000	400,000	None	None	None
Cincinnati Western.....			do.	do.	do.
Iron.....	500,000	101,706	do.	51,000	do.
Cincinnati, Hamilton, and Dayton.....	2,500,000	2,057,000	do.	543,000	do.
Central Ohio.....	2,500,000	1,680,000	10,000	2,050,000	Not known.
Cleveland, Painesville, and Ashtabula.....	1,500,000	1,486,690	48,350	805,000	500,000
Seloto and Hocking.....	3,000,000	375,306	None	300,000	None
Columbus, Piqua, and Indiana.....	2,000,000	600,000	do.	1,000,000	68,000
Sandusky, Mansfield, and Newark.....	1,850,000	1,988,000	do.	1,894,000	160,000
Eaton and Hamilton.....	2,500,000	250,000	do.	654,734	130,734
<i>Ohio and Michigan.</i>					
Dayton and Michigan.....	3,000,000	1,390,000	do.	300,000	Not known.
<i>Ohio and Indiana.</i>					
Ohio and Mississippi.....	5,000,000	1,560,000	do.	2,050,000	1,950,000
<i>Indiana and Illinois.</i>					
Ohio and Mississippi.....	2,500,000	1,247,300	do.	850,000	None
<i>Michigan.</i>					
Michigan Central.....	8,000,000	4,300,000		4,000,000	965,000
Erie and Kalamazoo.....	300,000	300,000	99,000	300,000	250,000
<i>Wisconsin.</i>					
Milwaukee and Mississippi.....	4,500,000	800,000	None	1,250,000	600,000
Southern Wisconsin.....	1,500,000		do.	None	None

Eastern division.

Western division.



## ADDENDA.

[The following particulars in regard to the stock and bonds of certain railroad companies, from which the Treasury Department has received no returns, have been taken from the American Railroad Journal, of November 19, 1883, except the seven roads last named, the particulars concerning which have been derived from brokers.]

Names of railroads and States in which located.	Capital authorized.	Capital paid in.	Capital held by foreigners.	Bonds outstanding.	Bonds held by foreigners.	Remarks.
<i>Maine.</i>						
York and Cumberland.....	.....	\$985,747	....None....	\$341,100	....None....	
<i>New Hampshire.</i>						
Manchester and Laurence.....	.....	717,543	.....do.....	.....	.....do.....	
<i>Vermont.</i>						
Vermont Central.....	.....	8,500,000	.....do.....	3,500,000	.....do.....	
Vermont and Canada.....	.....	1,500,000	.....do.....	.....	.....do.....	
<i>Massachusetts.</i>						
Taunton Branch.....	.....	250,000	.....do.....	....None....	.....do.....	
<i>Rhode Island.</i>						
Providence.....	.....	.....	.....do.....	457,000	.....do.....	
<i>New York.</i>						
New York Central.....	.....	22,958,600	.....do.....	2,111,624	.....do.....	
Northern Ogdensburg.....	.....	1,579,968	.....do.....	9,969,760	.....do.....	
Troy and Rutland.....	.....	237,630	.....do.....	100,000	.....do.....	
Troy and Boston.....	.....	430,528	.....do.....	700,000	.....do.....	

<i>Ohio.</i>					
* Cleveland and Pittsburgh.....	1,339,450	.....do.....	1,371,000	.....do.....	
Mad River and Lake Erie.....	2,387,200	.....do.....	1,767,000	.....do.....	
Toledo, Norwalk, and Cleveland.....	552,000	.....do.....	800,000	.....do.....	
<i>Michigan.</i>					
Michigan Southern.....	2,499,410	.....do.....	2,639,000	.....do.....	
<i>Kentucky.</i>					
Covington and Lexington.....	1,650,000	.....do.....	1,400,000	.....do.....	
<i>Indiana.</i>					
Fort Wayne and Chicago.....	1,350,000	.....do.....	1,250,000	.....do.....	
Crawfordsville and Wabash.....	250,000	.....do.....	175,000	.....do.....	
<i>Ohio.</i>					
Marietta and Cincinnati.....	3,500,000	.....do.....	2,000,000	.....do.....	
Columbus and Shelby.....	125,000	.....do.....	200,000	.....do.....	
Spencerville and Indiana.....	1,300,000	.....do.....	1,500,000	.....do.....	
<i>Ohio and Pennsylvania.</i>					
Ohio and Pennsylvania.....	1,750,000	.....do.....	2,750,000	.....do.....	

G—Continued.

## SUMMARY OF RAILROADS,

From returns made, with a few exceptions, by their own officers, (222 railroads)—

Capital authorized.....	\$380,20
Capital paid in.....	256,75
Capital held by foreigners.....	7,04
Bonds outstanding.....	143,95
Bonds held by foreigners.....	36,12
Total of capital paid in and bonds outstanding.....	400,70
Total of capital and bonds held by foreigners.....	<u>43,16</u>

## ADDENDA.

Returns from 22 other railroad companies—part taken from the American Railroad Journal, and part obtained from brokers—

Capital paid in.....	\$53,14
Bonds outstanding.....	<u>26,15</u>

Supposing the proportion of capital stock and bonds held by foreigners in these companies to be the same as in the companies from which returns have been directly received we have the following results, (244 companies)—

Capital paid in.....	\$309,89
Capital held by foreigners.....	8,02
Bonds outstanding.....	170,11
Bonds held by foreigners.....	43,66
Total of capital paid in and bonds outstanding.....	480,00
Total of capital and bonds held by foreigners.....	<u>51,91</u>

## NOTES.

Owing to the extent of country over which they are spread, the number of superintendents to whom they are entrusted, and the character of the works, it is very difficult to obtain the number of miles of railroads completed, and the number in progress at any period.

In the volume prepared by Mr. Andrews, and communicated by the Secretary of the Treasury to the Senate on the 25th of August, 1852, the number of miles in operation is stated to be 12,808½, and in progress 12,612—total, 25,402½ miles.

"At least \$80,000,000 are," it is said in the same volume, "now annually required to carry forward works in progress, and to meet the demand of new ones that may arise. This sum, \$50,000,000 are borrowed either of capitalists of this country or of Europe."

"Average cost of roads from Maine to Maryland, \$40,000 a mile.

"Average cost of roads in the other States, \$20,000 a mile.

"Roads completed, 12,821½ miles, at \$30,000 a mile.....	\$384,63
"Roads in progress, 12,628½ miles, at \$20,000 a mile.....	<u>252,56</u>
	<u>637,19</u>

"It is believed that an extent of line equal to the whole number of miles now in operation will be completed in three years from the present time; at which period the cost of roads will equal the above sum."

According to the American Almanac for 1854, the railroads in operation in 1853 had an extent of 14,494½ miles; but in this total are included some roads which are but partly in operation.

Lippincott, Grambo & Co.'s new edition of the United States Gazetteer contains a list of 523 railroads; but as roads completed, roads in progress, and roads simply projected, are mixed together, nothing conclusive can be gathered from it.

*General statement of so many canal and navigation companies as have made returns to the Treasury Department; of the amount of capital authorized, the amount paid in, and the amount thereof held by foreigners; and also of the amount of bonds outstanding, and the amount thereof held by foreigners, June 30, 1853.*

Name.	Place of office.	States in which canals are.	Capital authorized.	Capital paid in.	Held by foreigners.	Bonds outstanding.	Held by foreigners.
Delaware and Hudson.....	New York.....	New York and Penn'a.....	\$7,300,000	\$7,300,000	\$147,300	\$300,000	None...
Lehigh.....	Philadelphia.....	Pennsylvania.....	6,000,000	1,965,550	19,700	4,462,390	\$434,000
Cheapeake and Ohio.....	Washington.....	Maryland and Virginia.....	8,926,596	8,926,596	None...	3,100,000	None...
Alexandria.....	Richmond.....	Virginia.....	680,000	680,000	None...	87,614	None...
James River and Kanawha.....	Guyandotte.....	do.....	5,000,000	4,929,866	do.....	2,260,000	46,200
Guyandotte Navigation Co.....	Buckingham Court-house.....	do.....	200,000	80,000	do.....	None...	None...
State River.....	Norfolk.....	do.....	35,000	14,811	do.....	do.....	do.....
Dismal Swamp Canal.....	Weldon.....	Virginia and N. Carolina.....	486,000	486,000	do.....	do.....	do.....
Roanoke Navigation Co.....	Philadelphia.....	North Carolina.....	412,000	412,000	do.....	do.....	do.....
Cheapeake and Delaware.....	Baltimore.....	Delaware and Maryland.....	2,500,000	1,272,963	3,200	2,389,777	93,978
Susquehanna Canal.....	Pittsburg.....	Maryland and Penn'a.....	2,500,000	1,926,533	2,500	2,675,000	\$1,000,000
Monongahela Navigation Co.....	Philadelphia.....	Pennsylvania.....	521,200	521,200	None...	80,500	None...
Schuylkill Navigation Co.....	Jersey City.....	do.....	Indefinite	4,439,209	do.....	5,851,938	383,369
Morris Canal.....	Philadelphia.....	New Jersey.....	2,200,000	1,695,000	do.....	423,350	None...
Little Schuylkill.....	do.....	Pennsylvania.....	1,700,000	1,500,000	10,000	500,000	10,000
Schuylkill Valley.....	do.....	do.....	Unlimited..	519,200	372,200	None...	None...

\* This is also a coal company.

† A very small amount, if any, of the stock held by foreigners.

‡ Including Tidewater Canal.

§ Presumed to be held by foreigners.

|| A navigation, railroad, and coal company. \$10,000 of stock held in Havana, and \$15,000 of bonds in Germany.

¶ The Schuylkill Valley is also a railroad company.

NOTE.—Most of the principal canals are the property of the States.

The above table is believed to embrace all the canals of any importance that are the property of corporations, except the Union Canal and the Erie Extension, in Pennsylvania.

The accounts of the Delaware and Raritan Canal are included in those of the Camden and Amboy Railroad Company.

1.

*General statement of so many miscellaneous companies as have made returns to the Treasury Department of the amount of their capital authorized, amount paid in, and the amount thereof held by foreigners; and also of the amount of bonds outstanding, and the amount thereof held by foreigners on the 30th of June, 1853.*

Names.	Place.	State.	Capital authorized.	Capital paid in.	Held by foreigners.	Bonds outstanding.	Held by foreigners.
New York Exchange*	New York.....	New York.....	\$1,000,000	\$1,000,000	\$20,000	.....None.....	.....None.....
Gas Light Company.....	do.....	do.....	1,000,000	750,000	67,300	.....do.....	.....do.....
Manhattan Gas Light.....	do.....	do.....	2,000,000	1,300,000	46,070	.....do.....	.....do.....
Brooklyn Gas Light.....	Brooklyn.....	do.....	1,000,000	448,000	.....None.....	.....do.....	.....do.....
George's Creek Coal and Iron Company.....	Baltimore.....	Maryland.....	1,100,000	1,100,000	458,700	\$274,500	\$198,600
Frostburg Mining Company.....	Frostburg.....	do.....	2,000,000	2,000,000	.....None.....	.....None.....	.....None.....
Pennsylvania Coal Company.....	New York.....	do.....	3,000,000	3,000,000	10,650	600,000	60,000
Beaver Meadow†.....	Philadelphia.....	do.....	.....	622,300	.....None.....	296,500	.....
Mount Savage Iron Co.....	do.....	Maryland.....	500,000	500,000	135,000	28,323	7,173
Langollen Mining Company.....	do.....	do.....	.....	212,000	.....None.....	†39,000	.....None.....
Swanton Coal Company.....	Cumberland.....	Maryland.....	500,000	500,000	.....do.....	.....None.....	.....do.....
Borden Mines.....	Frostburg.....	do.....	200,000	200,000	.....do.....	.....do.....	.....do.....
Accessory Transit Company.....	New York.....	Nicaragua.....	7,870,000	2,000,000	.....do.....	320,000	.....do.....
Lyken's Valley Coal Company.....	Philadelphia.....	Pennsylvania.....	800,000	400,000	.....do.....	.....None.....	.....do.....
Panama Railroad Company.....	New York.....	New Granada.....	.....	2,193,312	65,000	800,000	Not known.

\* \$80,000 held in trust for foreigners.

† All the bonds presumed to be held by Americans.

‡ This is the whole amount of debt of this company.

**NOTE.**—It has been found impossible to ascertain even the names of the miscellaneous companies. In Massachusetts the policy of conducting business by means of incorporations has been carried to a greater extent than in any other State. From a report to the legislature on the 8th of June, 1853, it appears that the number of manufacturing companies that had been incorporated up to that date was 848, with an authorized capital of \$184,875,998; and the number of miscellaneous companies 267, with an authorized capital of \$41,522,000: total 1,115 companies, with a capital of \$226,397,998, exclusive of banking, railroad, and insurance companies. But the report does not state how many of these ever commenced business, much less how many of them are at present in operation.

## K.

## GENERAL SUMMARY, JUNE 30, 1853.

	Total.	Held by foreigners.
United States stocks.....	\$58,205,517	\$27,000,000
State stocks .....	190,718,221	72,931,507
113 cities and towns (bonds).....	79,352,149	16,462,322
347 counties (bonds).....	13,928,369	5,000,000
985 banks (stocks).....	266,724,955	6,688,996
75 insurance companies (stocks).....	12,829,730	378,172
244 railroad companies (stocks).....	309,893,967	8,244,025
Do.....do.....(bonds).....	170,111,552	43,888,752
16 canal and navigation companies (stocks).....	35,888,918	554,900
Do.....do.....(bonds).....	22,130,569	1,967,547
15 miscellaneous companies (stocks).....	16,425,612	802,790
Do.....do.....(bonds).....	2,358,323	265,773
Total .....	1,178,567,882	\$184,184,714

If the estimate of Winslow, Lanier & Co. be preferred, as to the amount of state stocks held by foreigners, \$110,972,108 must be substituted in the second line of the second column, and the total will then be—

Aggregate of stocks and bonds .....	\$1,178,567,882
Aggregate held by foreigners .....	<u>222,225,315</u>









REPORT  
OF THE  
SECRETARY OF THE TREASURY,

COMMUNICATING

*Report of the Director of the United States Mint at Philadelphia, upon  
the fineness and value of foreign coins.*

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MARCH 2, 1854.—Ordered to lie on the table and be printed.

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TREASURY DEPARTMENT,  
March 1, 1854.

SIR: I have the honor to transmit, herewith, the report of the Director of the United States mint, "of the fineness and value of certain foreign gold and silver coins, as required by the acts of Congress of January 25, 1834, and March 3, 1843."

I am, very respectfully, your obedient servant,  
JAMES GUTHRIE,  
*Secretary of the Treasury.*

Wm. D. R. ATCHISON.  
*President pro tempore, U. S. Senate.*

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MINT OF THE UNITED STATES,  
Philadelphia, January 25, 1854.

SIR: I submit the following report of the fineness and value of certain foreign gold and silver coin, as required by the acts of Congress of January 25, 1834, and March 3, 1843; said coins being therein made legal tender upon certain conditions, which are contingent upon this report.

GOLD COINS.

The law provides that "gold coins of Great Britain, not less than 1/1000th fine, shall be received at 94 1/2 cents per pennyweight." In a long series of years, and operating at times upon large quantities of such coin, we have not been able to find a higher average fineness than 915 1/2, and it was upon this basis that the enactment was made. But under the present management of the British mint, and of the assay department, beginning fairly with the year 1852, there is an upward tendency more strictly conforming with the legal standard of fineness. The assay of a few pieces of 1852 and 1853 (the course of

trade preventing the receipt of large quantities here) gives an average of  $916\frac{1}{2}$ , and the consequent rate would be  $94\frac{7}{10}$  cents per pennyweight. But it will evidently require a large emission at this rate to make a perceptible improvement in any promiscuous parcel; and some years must elapse before the rate fixed by Congress can be elevated.

The gold coins of France are made current at  $92\frac{2}{10}$  cents per pennyweight, provided their fineness be not less than 899 thousandths. Their legal standard is 900; but the actual fineness, down to 1852 inclusive, cannot be rated higher than 899.

Gold coins of Spain, Mexico, and Colombia, "of the fineness of 20 carats,  $3\frac{1}{8}$  carat grains," equal to  $869\frac{14}{100}$  thousandths, are receivable at  $89\frac{2}{10}$  cents per pennyweight. While occasionally parcels have been found to be of this fineness, or slightly above it, they are frequently not higher than 866, and would, therefore, appear to be thrown out by the terms of the law. Moreover, the gold coins of New Grenada, which is a part of Colombia, have been minted since 1849 at the new legal rate of 900 thousandths, and, upon repeated trials, are found to average 894. But it is very rare to find any longer in circulation a gold coin of Spain, Mexico, or Colombia.

The gold coins of Portugal and Brazil, made current upon condition of being not less than 22 carats ( $916\frac{2}{3}$  thousandths) fine, are really not higher than 914 thousandths; they are now only known amongst us as curiosities, and it is believed are scarce even in their own country.

#### SILVER COINS.

The Spanish pillar dollars, and the dollars of Mexico, Peru, and Bolivia, of not less than 897 thousandths fine, and 415 grains in weight, and the dollars of Chili and Central America, and those restamped in Brazil, of not less fineness than "ten ounces fifteen pennyweights in the pound," ( $896\frac{8}{10}$  thousandths,) and 415 grains in weight, are receivable at one hundred cents each. The present average fineness and value of these coins, as appearing in our circulation, may be stated as in the ensuing table, with some doubt as to the item of Central America, whose coinage is very irregular.

Denomination.	Weight.	Fineness.	Value in cents.	
	Grains.	Thousandths.	Per piece.	Per ounce.
Spanish pillar dollars.....	412	898	99.7	116.1
Brazilian restamped dollars..	412	898	99.7	116.1
Dollar of Mexico, mixed.....	$416\frac{1}{2}$	899	100.8	116.2
Do... Peru,.....do.....	415	905	101.1	117.0
Do... Bolivia.....	$416\frac{1}{2}$	901	101.1	116.5
Do... Chili.....	$416\frac{1}{2}$	901	101.1	116.5
Do... Central America...	416	870	97.5	112.5

The five-franc pieces of France, if not less than 900 thousandths fine, and 384 grains in weight, are made current at 93 cents. They continue to maintain this average to the year 1852, which is the latest date assayed here.

It is to be noted that the foregoing valuations of silver coin are based upon the legal rate of the United States, as fixed by the act of 1837. Under the act of March, 1853, the mint has been and is now paying a premium upon these rates to procure silver for coinage; consequently, the laws making them current may be considered nugatory and obsolete. The same remark, for other but obvious reasons, may be applied to all the gold coins mentioned in this report, except those of Great Britain and France.

I embrace this opportunity to suggest that there is no longer any propriety or necessity for legalizing the circulation of the coins of other countries. In no other nation, except in the case of some colonies, is this mixture of currencies admitted by law, either on the score of courtesy or convenience. When these laws as to foreign coins were passed our coinage was inconsiderable, but during the last few years the pieces struck, in number and value, it is believed, is scarcely inferior to that of any other country. The last year more than seventy-six millions of pieces were struck, of the value of upwards of sixty-four millions of dollars. If this suggestion is approved, and the laws which legalize foreign coins be repealed, it would be proper, by a standing regulation of the Treasury Department, or by legislative enactment, to require an annual assay report upon the weight and fineness of such foreign coins as frequently reach our shores, with a view to settle and determine their marketable value. Such a report would be a judicious substitute for the one now presented.

I have the honor to be, with great respect, your faithful servant,  
JAMES ROSS SNOWDEN,  
*Director.*

Hon. JAMES GUTHRIE,  
*Secretary of the Treasury.*



# REPORT

## OF

### THE SECRETARY OF THE INTERIOR,

MADE

*compliance with a resolution of the Senate calling for a statement of the amount of money received and expended by Luther Blake, late agent for the removal of the Indians from Florida, the objects for which expended, and the number of Indians removed.*

MARCH 3, 1854.—Read and ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
Washington, March 2, 1854.

SIR: In compliance with a resolution of the Senate, dated 5th January last, requesting a statement of "the amount of public money received and expended by Luther Blake, late agent for the removal of Indians from Florida, as such agent, with the objects for which said money was expended, and the number of Indians removed by him," I have the honor to report:

That on the 19th April, 1851, there was advanced to Luther Blake, special agent, &c., from the treasury, the sum of..... \$2,000 00  
and that he afterwards received the following additional amounts from Captain J. C. Casey, U. S. A., viz: October 20, 1852..... 20,350 00  
November 23, 1852..... 39,693 66

Whole amount received by him..... 62,043 66  
which he subsequently refunded to the treasury the sum of..... 31,633 66  
leaving to be accounted for by him..... 30,410 00

For the information as to the amount expended by him, and for what acts, together with the number of Indians removed, I can only refer to the items in his accounts, as they have not yet been finally adjusted and settled. They are as follows:

For commutation of expenses connected with the preliminary arrangements for the removal of the Indians, as per contract and instructions of April 19, 1851..... \$10,000 00  
For capita allowance, as per same, for 36 Indians emigrated to the country west, or that died before reaching there, 20,270 00  
For expenses of delegation of western Seminoles employed to aid in the emigration of those in Florida..... 12,075 39

Expenses of delegations, consisting of "Billy Bowlegs" and others, from Florida to Washington and New York, and returning.....	\$1,430 90
Per diem and mileage for services and travelling expenses while engaged in the business.....	4,230 00
	<hr/>
	48,006 29
Deduct amount in his hands.....	30,410 00
	<hr/>
Leaving a balance claimed by him of.....	<u>17,596 29</u>

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND, *Secretary.*

Hon. D. R. ATCHISON,  
*President of the Senate.*

## MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*The annual report of the Board of Inspectors of the Penitentiary for the District of Columbia, for the year ending December 31, 1853.*

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MARCH 7, 1854.—Referred to the Committee on the District of Columbia, and ordered to be printed.

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*To the Senate of the United States :*

I transmit herewith the annual report of the board of inspectors of the penitentiary for the District of Columbia, for the year ending December 31, 1853.

FRANKLIN PIERCE.

MARCH 3, 1854.

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OFFICE OF THE BOARD OF INSPECTORS OF THE  
PENITENTIARY FOR THE DISTRICT OF COLUMBIA,  
*Washington, January 16, 1854.*

*To the Senate and House of Representatives :*

The board of inspectors of the penitentiary for the District of Columbia, in accordance with the provisions of the act of March 3, 1829, respectfully submit to Congress their twenty-fifth annual report, for the year ending December 31, 1853, together with the accompanying documents, containing the reports of the warden, clerk, physician, and chaplain. It will be seen that at the close of the last year the indebtedness of the institution amounted to the sum of \$12,175 66.

From the statement of the warden, it appears that this debt has been accruing and accumulating for years. The inspectors respectfully urge the necessity of Congress making an appropriation to liquidate this debt, especially as the greater portion is due to one individual.

The board would respectfully ask the favorable consideration of Congress to the suggestions made by the warden for the more efficient government and economy of the penitentiary ; among which are the appointment of a matron to superintend the female department ; of an assistant physician, whose duty it shall be to prepare the medicines, and



have charge of the dispensary; of heating the prison by other means than the inadequate and very expensive mode now in use; of alarm bell; of additional guards; and for repairs to the wharf belonging to the penitentiary.

The board approve highly of the vigilant and careful supervision exercised by the warden, and are satisfied that all his propositions for the more efficient organization of the penitentiary ought to be carried into effect; but they unanimously urge upon Congress the reform herein particularly referred to, as essential to the welfare and good government of the institution under his charge.

We cannot submit this report without calling your attention to the totally inadequate salary now paid the members of this board, in consideration of the greatly enhanced cost of living in this city, every article being much higher than some years ago when the salaries were fixed; as the duties and responsibilities are also much increased, there being double the number of prisoners than were at that time.

We cannot conclude without recommending, as a matter of justice, an increase of pay to the officers generally. In the case of the inspectors, from what little experience we have had, we are fully convinced that, if the duties are properly executed, the place is now no sinecure.

We would respectfully ask that their pay, as established in 1831, (\$250 per annum,) which was reduced through some mistake or unauthorized interference, may be restored at least.

All which is respectfully submitted.

R. JONES,  
H. LINDSLEY,  
S. PUMPHREY.

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*Warden's report.*

OFFICE OF THE U. S. PENITENTIARY,  
*District of Columbia, January 1, 1864.*

*To the Board of Inspectors:*

GENTLEMEN: Agreeably to usage, I herewith lay before you a statement of the affairs appertaining to this institution, for the year ending December 31, 1863, although nearly half the year had expired before I entered upon duty.

From the report of the clerk, which has been prepared with great care and attention, and to which I beg leave to refer you, will be seen the number of convicts confined, the manner in which they are employed, the state of the finances, and other useful information, as taken from the record; from all of which it appears that the institution was indebted, on the 31st ultimo, as near as can be ascertained, for material and tools supplied for its use, \$12,175 66; and that there was owing to it, from sundry persons, on note and open account, for manufactured articles sold on time, the sum of \$12,265 07. Of the amount reported as owing to the institution, it may be proper for me to state that a considerable portion of it is made up of accounts due by persons

unknown to the present officers, which have been standing unsettled for years, and which, in my opinion, it is reasonable to doubt the final collection of. The amount thus unavailable is estimated at \$5,227 80. Of the indebtedness which has been accruing and accumulating for years, the greater portion—\$7,211 47—is due to an individual in this city, who has been supplying material on the good faith of the government, and who is now urgently demanding a settlement and the liquidation of his claim. To discharge the debt of this institution in any reasonable time, from the collection of moneys owing and the earnings of the convicts, I regret to say I can see but small probability of, without incurring a somewhat similar debt for the purchase of material and tools for current use, and therefore respectfully recommend that an appropriation be asked for from Congress for liquidating the debts now due. This done, it would possibly enable the institution, by collection of debts due, to wield an available fund sufficient to *purchase material or cash*; and yet, however advantageous it may be to capitalists to purchase for cash, I apprehend, in a place limited in trade as this District is, that it will prove difficult to *dispose* of manufactured articles *for cash*, unless considerably below current prices. The trade of this District being chiefly with eastern factories, on time, consequently, to dispose of articles manufactured here for cash must necessarily be at reduced prices. However, if intended to compete with eastern factories, a commission-house, located in some desirable position, as well as machinery (of which we have none) adapted to the times, should be provided. The propriety of bringing convict-labor in competition with honest industry is a mooted question, of which it does not become me, in my present position, to speak; nevertheless, I cannot refrain from saying, that if the government anticipates that this institution shall maintain itself and compete with other manufacturing establishments, a cash capital, as well as machinery, should be furnished. In connexion with this subject, it is worthy of consideration whether the government would not be benefited by requiring the boots and shoes manufactured at this place to be worn in the navy and army.

Several inquiries have been made in relation to "farming out" the convict labor, but not in such form as demanded official action. Any further information on this subject worthy of your attention that I can obtain, I shall immediately place before you.

Although fully aware of the importance of endeavoring to make the institution profitable to the government, or at least to yield a sufficiency from the labor of the convicts to maintain itself, yet I do not flatter myself that, under present circumstances, their labor will prove adequate. The convicts generally are composed of the most reckless in society, many of whom are unacquainted with the use of tools; consequently, we are compelled to enter as apprentices persons of mature age, no ways disposed to aid my desire to economise.

The term of service for which many of them are sentenced expires about the time when their labor becomes valuable. Their places to be filled by others equally inexperienced, also tends to anything but the prosperity of the institution. Nevertheless, I shall lose no opportunity to economise and otherwise promote its interests, so far as in my power I do it.

Agreeably to a resolution passed by your board, August 3, 1853, I caused to be sold the stock of manufactured articles then on hand from the carpenters' shop and broom factory as were not of ready sale, which articles, I regret to say, fell far short of their invoiced value—the article of brooms alone falling short of their estimated value, as per last year's report, \$17 02. No brooms have been made here during the past year. The greatly increased price of provisions, combined with the increased number of convicts, amounting at one time to 102, also tends to exhibit the institution at this time in its most unfavorable aspect.

The health of the prisoners is now good, although during the past fall chills and fevers and other diseases prevailed to a considerable extent, which, I am happy to say, through the physician's skill and attention, passed off without serious result. His prompt attention when called upon, both by day and night, is highly creditable to his head and heart. The chaplains, both the former and present one, have been very attentive and earnest in their endeavors to impress upon the convicts the necessity of religion and reform, and I sincerely trust their labors may prove "as seed cast upon good ground."

The steaming apparatus for cooking is worn out, and a new one is indispensable for the prompt preparation of meals at fixed hours.

The prison is heated by ordinary stoves. This mode of heating not only consumes large quantities of fuel, but gives a varied degree of heat as the fuel in the several stoves is being consumed. A furnace adapted to the building would not only produce a more regular heat, but require less fuel and fewer hands to attend this department.

Agreeably to a resolution of the former board of inspectors, the prison is being lighted for a few hours every night, the better to enable the prisoners, when confined in their cells, to improve their minds by reading, for which purpose they are furnished with well-selected books.

It is a matter worthy of consideration whether the prison could not be lighted with gas at a cheaper rate than with oil, the article now being consumed.

The wharf appertaining to the institution is dilapidated and unfit for use, being unsafe to be walked on; it demands your attention, there being no funds at my command to repair it.

The female convicts are 12: whites, 3; colored, 9; all of whom are employed in binding shoes, or in making, mending, and washing clothes. They are confined in a part of the prison allotted for the purpose, where, it is to be regretted, they have ample time to devise modes for escape, as well as for general conversation.

In consequence of other *more important duties* demanding the attention of the guards, the female convicts are seldom seen, except when visited by strangers at meal hours, or hours allotted for locking and unlocking their cell doors. Their general deportment, however, is good, chiefly to be attributed to the interest manifested towards them by the chaplain, aided by many visitors, of whom a lady of this city is pre-eminent in her endeavors to instruct them in lessons of morality and scriptural truths.

If there was a competent salary appropriated for the pay of a matron, whose duty it should be to remain with them and instruct them, I firmly

believe the government would soon be reimbursed the amount from profits accruing from their increased labor. The constant presence of such a person would aid materially towards their safe keeping, as well as prevent a thoughtless and careless destruction of goods when placed in their charge to be repaired or washed; therefore, I respectfully urge that an application be made to Congress for such amount as will secure the services of a competent superintendent or matron, who would receive aid from the guards on duty when required.

Presuming that the first and main object for which institutions of this description are established is that of keeping off society the notoriously depraved, hence it becomes of the highest import that there should be at all times a sufficiency of guards to restrain those whom the law has doomed to confinement and labor.

Few persons employed by the government have more arduous and responsible duties to discharge than the guards attached to this institution; they are required to be on duty from the rising to the setting of the sun each day, and have each but one Sunday in three which they can call their own; they are also required to perform night duty, and are each once a week, or oftener, in case of sickness or accident befalling any of their associates, compelled to serve thirty-six consecutive hours on duty.

Large quantities of provisions, clothing, material and tools for manufacturing purposes, are under their charge; they are also required, agreeably to their peculiar knowledge in mechanism, to cut out and direct to completion articles being manufactured.

In consequence of there being no residences suitable for the guards and their families near to the building, all employed (except two, who reside on the premises) reside as near as circumstances admit, yet the nearest is fully three quarters of a mile from the building, and, consequently, in case of sudden outbreak, could not be present to suppress it.

The construction of the prison is such that the yard prisoners, cooks, bakers, &c., are necessarily brought in contact with the guards, the latter having to eat their meals in the prison proper. This fact, despite all prudent precaution, enables the convicts to acquire a knowledge of what is passing without the prison walls; it also tends to produce a familiarity, being an every-day occurrence, which by no means conduces to the security of the prison. An appropriation to provide suitable residences convenient to the prison, would not only tend to the safe-keeping of the convicts, and the security of the public property in case of fire, but also would add materially to a promptness in turning out the convicts to work, and, consequently, an increased product from their labor. There are several out-buildings adjoining the prison proper, which, possibly, for a small sum of money, might be converted into suitable residences for the accommodation of the guards. An alarm-bell attached to the prison would, in my opinion, tend greatly to intimidate the convicts from an attempt to revolt, and I therefore respectfully recommend that you order one to be purchased. I beg leave to call your attention to an important fact, at which I am not a little surprised, that there is not an engine or other apparatus for extinguishing fire about the establishment, and respectfully urge the necessity of asking an appropriation to obtain one.

On referring to the books of the institution, I find that when there were but forty convicts in the prison, there were employed to guard them, including the messenger, nine persons, at an aggregate monthly salary of \$441 65. At present there are ninety-three convicts confined—with a probability of the number being increased this term of court—to guard whom there are eight officers, including the messenger, at an aggregate monthly salary of \$468 31. When I took charge of the prison, there were ninety-three convicts confined, and but seven guards employed, at an aggregate monthly salary of \$345 82. That this latter number of guards were insufficient, appeared to me conclusive, from the fact that several prisoners were under punishment for an attempt at escape, under circumstances which showed that there was not a sufficiency of persons employed to guard the institution.

The number of persons, including the messenger, now employed is eight, two of whom are allotted to the superintending of the shoe factory; the greater portion of the time of the principal of these two is occupied in attending the sales-room, which is located without the prison gates—leaving but one officer to superintend some seventy convicts who are occupied in various ways in the shoe factory. The want of an additional officer in the factory compels the necessity of confiding over much to selected prisoners, who are employed in cutting leather, &c., preparatory to its being manufactured into shoes and boots. This necessity of selecting proves a never-ceasing cause of discontent on the part of convict applicants less fortunate, who, to gratify their vicious and disappointed feelings, too frequently injure and destroy property, at which they are occasionally detected. In my opinion there should be at all times two officers in the shoe factory; one to inspect and have charge of material and tools, the other to enforce discipline. The duties of the deputy warden are multifarious. Provisions, clothing, the discipline and cleanliness of the prison, not only demand his attention, but he also has charge of the dispensary, the female department, and the showing of visitors through the prison; which latter duty occupies a large portion of his time, and too frequently interferes with the prompt discharge of other duties more urgent. An additional guard attached to the shoe factory, would enable the salesman to aid the deputy warden in such branches of his duty as might be designated, and add much to the safety and enforcement of the discipline of the prison. Of the remaining guards, one has charge of the carpenters' and blacksmiths' shop; two are allotted for wall guards *by day*; one in charge of the principal gate; and the remaining one acts as a messenger *by day* and a guard *by night*. One additional guard I believe requisite for the execution of the *present required day duties* of the institution. To secure the energies and watchfulness of the officers having charge of the workshops *by day*, in which some of the most desperate and worthless known to our country are employed, it would, in my opinion, be advisable to relieve them from night duty, and thus enable them to exert all their physical powers in the discharge of the responsible duties assigned them for the day. At present three of the eight persons employed compose the night guard alternately, or nearly so, all of whom do duty within doors during the night—leaving the workshops, (containing all the material and tools for factory purposes,) which are located in the

yard, without a person on watch to give an alarm in case of fire or other accident. Thus, without relieving the present number employed from night duty, an additional guard is requisite to the safety of the prison, and to a *full and faithful* discharge of the several duties required, which are likely to increase as the city becomes more populous. If determined upon to relieve from night duty officers having responsible duties to perform by day, it will be necessary to employ three additional persons, who, with the wall guards now employed, can alternately relieve each other by day as well as by night.

The result of my limited experience tends to convince me that the most effectual mode of inducing the convicts to apply their minds to their labor, would be to give each convict an interest in his labor, by requiring from each a limited task. All over-work, *provided* their general conduct was good, to be paid them when discharged. For this purpose a debit and credit account would have to be opened with each convict, which would add but little or no labor to the present mode of keeping the books of the institution.

The great object being to reform the wicked, and send them hence a better people, it becomes necessary to review their usual manner of treatment when under confinement. One plan suggested is that of treating them so cruelly, as to intimidate them from a repetition of crime, lest they again be doomed to punishment; another, that of solitary confinement; a third, that of rendering them as comfortable as their unfortunate situation will justify.

Whilst in prison, the ever-active mind will necessarily awake many resolves; however praiseworthy these resolves may be, yet they can seldom be carried into execution, for when discharged from this place, the freed convict has little or no means to procure him lodgings, or to enable him to travel without the District limits; and such is public sentiment that few, if any, can obtain work *if known* to be "penitentiary birds." Under such circumstances, it appears palpable that were they allowed an interest in their labor, it would induce them to adhere more closely thereto, knowing that when discharged they would be possessed of some little means to be used by them, for good or evil, as they might select. Nor do I believe that the fact of giving them an interest in their labor would tend to lessen the pecuniary funds of the institution. On the contrary, I am impressed with the opinion, that being employed in part for their own benefit would cause them to acquire habits of industry and economy, as well as secure a general better deportment in prison, all of which would conduce to the economy of the institution.

In conclusion, allow me to express to you, gentlemen, my acknowledgements for the kind and courteous manner in which you have aided me in the discharge of my official duties, and tender you my warmest thanks. I must also return my thanks to the officers and guards attached to the institution, for the promptness, fidelity, and energy with which they have performed their arduous, responsible, and delicate duties, and say that, in my opinion, for such duties they deserve to be better compensated.

All of which is respectfully submitted, by your obedient servant,  
THOMAS THORNLEY, *Warden*.

*An estimate showing the amount requisite to discharge the indebtedness of the institution ; to pay a matron and additional guards ; as also to make sundry improvements suggested in the foregoing report.*

Indebtedness .....	\$12,175 66
Salary of a matron per annum .....	500 00
Salary of one assistant guard .....	550 00
Salary of three night guards, \$550 each .....	1,650 00
For furnace and steaming apparatus .....	3,700 00
For repair of wharf .....	1,500 00
For fire-engine and apparatus .....	2,500 00
For alarm bell .....	300 00
<hr/>	
Amount .....	22,875 66
For alterations and repairs of buildings, (it would be advisable to consult an architect,) say .....	10,000 00
<hr/>	
Total .....	32,875 66
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Respectfully,

THOMAS THORNLEY, *Warden.*

OFFICE OF U. S. PENITENTIARY,  
*Washington, D. C., January 1, 1854.*

GENTLEMEN : I submit herewith the annual statements exhibiting the financial condition and operation of this institution for the year ending December 31, 1853 ; also a journal of convicts, showing the number in confinement at the commencement of the year ; the number received and discharged during the year ; and the number remaining in confinement at the end of the year ; their age, sex, color, employment, &c.

Also, a statement showing the indebtedness of the institution, as far as I am able to ascertain ; also the amount standing upon the books of the institution for the different years not collected.

Very respectfully, your obedient servant,

JOHN KING, of William,  
*Clerk Penitentiary, D. C.*

The BOARD OF INSPECTORS  
*of the Penitentiary, D. C.*

<i>United States Penitentiary for the District of Columbia, in account with</i>			
<i>U.S.</i>			
To balance in hands of warden, and unpaid, December 31, 1852.....	\$627 80	By amount paid for clothing and bedding.....	\$80 93
To balance in the United States treasury, and undrawn, December 31, 1852.....	4,210 00	By amount paid for tools and materials for carpenters' and blacksmiths' shop.....	259 63
To amount of appropriation by act of Congress, approved July 1, 1853, for the fiscal year ending June 30, 1854.....	8,880 00	By amount paid for tools and materials for shoe factory.....	1,914 68
To amount received on outstanding accounts, and for articles manufactured and sold at the penitentiary during the year 1853.....	12,843 44	By amount paid for provisions.....	2,135 74
To amount deposited in the hands of the warden by sundry convicts, on their reception, during the year 1853.....	4 35	By amount paid for incidental expenses, including books, stationery, postage, &c.....	211 29
		By amount paid for salaries of officers.....	8,010 83
		By amount paid for prison dues and clothing for discharged convicts.....	159 87
		By amount paid for improvement and repairs.....	33 20
		By amount paid for hospital expenses, medicines, &c.....	116 17
		By amount paid for repairs to carryall and cart, horse feed, horse shoeing, &c.....	96 60
		By amount paid for fuel and lights.....	790 28
		By balance due the treasury in warden's hands December 31, 1853.....	1,058 56
		By amount refunded to sundry convicts on their discharge.....	14 21
		By amount paid on outstanding accounts prior to January 1, 1853.....	7,831 15
		By balance in the United States treasury, and undrawn December 31, 1853.....	4,500 00
		By error in former report.....	9 53
	26,575 59		26,575 59
Balance in United States treasury December 31, 1853.....	4,500 00		
Balance in hands of warden December 31, 1853.....	1,058 56		
	5,558 56		



*Statement showing the income from the labor of convicts employed in the different work-shops, &c., during the year 1853.*

*Shoe factory.*

By amount received and charged on the books of the penitentiary for boots and shoes sold during the year 1853.....	\$12,501 00	
By stock on hand December 31, 1853—		
Boots and shoes, complete.....	\$1,328 85	
Unfinished work.....	363 45	
Raw material.....	867 98	
	<hr/>	
	2,560 28	\$15,061 28
To amount of stock on hand December 31, 1852.....	3,219 56	
To amount paid and owing for material, and boots and shoes returned during the year.....	9,658 98	
	<hr/>	12,878 54
		<hr/>
		2,182 74
		<hr/>
		<hr/>

*Carpenters' and blacksmiths' shop.*

By amount received and charged on the books for sales and work done.....	2,421 48	
By amount of stock on hand December 31, 1853.....	858 59	
	<hr/>	3,280 07
To amount of stock on hand December 31, 1852.....	2,006 55	
To amount paid and owing for materials, &c., this year.....	1,216 90	
	<hr/>	3,223 45
		<hr/>
		56 62
		<hr/>
		<hr/>

*Oakum and hair.*

By amount received for picking hair.....	27 19	
By amount of oakum and junk on hand December 31, 1853.....	257 39	
	<hr/>	284 58
To amount of oakum and junk on hand December 31, 1852.....		257 39
		<hr/>
		27 19
		<hr/>
		<hr/>

*Broom factory.*

To amount of stock on hand December 31, 1852.....		173 99
By amount received and charged on the books for sales.....	65 29	
By amount of stock on hand December 31, 1853.....	71 68	
	<hr/>	156 97
		<hr/>
		17 02
		<hr/>
		<hr/>

*Female department.*

By amount received and charged for washing, &c., exclusive of prison account.....	38 99
	<hr/>

*Laborers.*

By amount of 123½ days' labor on improvement and repairs at 40 cents.....	49 40
	<hr/>

*A statement showing the amount of clothing issued to convicts, and the amount of provisions, hospital stores, fuel, and lights consumed during the year 1853.*

*Clothing.*

To amount of clothing and bedding on hand December 31, 1852...	\$247 22	
To amount paid and owing for clothing.....	620 22	
To shoe factory for shoes furnished convicts.....	282 51	
	<hr/>	\$1, 149 95
By amount of clothing on hand December 31, 1853.....		771 72
		<hr/>
		378 23
		<hr/>

*Provisions.*

To amount of provisions on hand December 31, 1852.....	55 32	
To amount paid for provisions this year.....	2, 135 74	
To amount owing for provisions this year.....	841 86	
	<hr/>	3, 032 92
By amount of provisions on hand December 31, 1853.....		120 46
		<hr/>
		2, 912 46
		<hr/>

*Hospital stores.*

To amount of medicines and hospital stores on hand December 31, 1852.....	140 00	
To amount paid and owing for hospital stores.....	215 65	
	<hr/>	355 65
By amount of medicines, &c., on hand December 31, 1853.....		150 00
		<hr/>
		205 65
		<hr/>

*Fuel and lights.*

To amount of fuel and lights on hand December 31, 1852.....	190 62	
To amount paid and owing for fuel and lights.....	945 52	
	<hr/>	1, 136 14
By amount of fuel and lights on hand December 31, 1853.....		338 75
		<hr/>
		797 39
		<hr/>

*Statement showing the income from the labor of convicts, and the ordinary expenditures for the support of the Penitentiary, for the year ending December 31, 1853.*

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To amount of provisions consumed by convicts during the year.....	\$2, 912 46	By shoe factory, for.....	\$2, 182 74
To amount of clothing and bedding and shoes issued to convicts..	378 23	By carpenters' shop, for.....	56 62
To amount of fuel and lights consumed in the prison hospital, guard-room, and office.....	797 39	By oakum and hair, for.....	27 19
To amount paid and owing for repairs to carryall and cart, horse-feed, horse-shoeing, including a new carriage.....	211 53	By female department, for.....	38 99
To amount paid and owing for incidental expenses, including stationery, postage, &c.....	557 94	By balance, excess of expenditures over income.....	2, 305 54
To amount paid and owing for hospital expenses, medicines, &c., consumed.....	205 65		10, 928 36
To amount paid discharged convicts their prison dues, and for clothing purchased for them.....	159 87		
To amount paid officers, their salaries.....	8, 010 83		
	13, 233 90		13, 233 90

*Journal of convicts.*

No.	Names.	When received.	Sex and color.	Where born.	Age.	Where convicted.	Number of times convicted.	Crime.	Term of sentence.	Employment.	Discharged.
1	A. M. . .	June 4, 1844	Mulatto man. . .	Dist. of Columbia.	48	Alexandria . . . . .	1	Burglary . . . . .	Yrs. 14	Carpentry . . . . .	Pardoned June 25, 1853.
2	W. D. . .	Dec. 27, 1845	White man. . . . .	Virginia. . . . .	39	Washington. . . . .	1	Burglary and larceny . .	84	Infirm . . . . .	Mar. 11, 1853.
3	J. L. . .	Mar. 15, 1847	do. . . . .	France. . . . .	41	do. . . . .	2	Larceny . . . . .	6	Baking, &c. . . . .	
4	D. W. D. . .	Mar. 22, 1847	Mulatto man. . . . .	Virginia. . . . .	40	do. . . . .	1	Receiving stolen goods. .	9	Labor. . . . .	July 11, 1853.
5	J. W. . .	July 11, 1849	White man. . . . .	Switzerland . . . . .	29	do. . . . .	1	Perjury . . . . .	4	Shoemaking . . . . .	Dec. 27, 1853.
6	J. W. . .	Dec. 27, 1849	Black man. . . . .	Dist. of Columbia. . .	24	do. . . . .	4	Burglary . . . . .	4	do. . . . .	
7	W. C. . .	Jan. 11, 1850	Mulatto man. . . . .	Virginia. . . . .	36	do. . . . .	1	Larceny . . . . .	4	do. . . . .	Mar. 18, 1853.
8	G. E. . .	Mar. 18, 1850	Black man. . . . .	do. . . . .	30	do. . . . .	1	do. . . . .	3	do. . . . .	
9	J. McM. . .	Mar. 22, 1850	White man. . . . .	Ireland . . . . .	41	do. . . . .	1	Counterfeiting U. S. coin	4	do. . . . .	
10	B. S. . .	Dec. 16, 1850	Black man. . . . .	Virginia. . . . .	27	do. . . . .	1	Assault with intent to	3	do. . . . .	Dec. 16, 1853.
11	T. H. . .	Dec. 28, 1850	White man. . . . .	Dist. of Columbia. . .	27	do. . . . .	1	Assault and battery	6	Labor . . . . .	
12	H. Y. . .	Dec. 31, 1850	do. . . . .	do. . . . .	43	do. . . . .	1	with intent to kill.	3	Shoemaking . . . . .	Dec. 31, 1853.
13	E. L. . .	Jan. 2, 1851	Black woman . . . . .	Maryland . . . . .	38	do. . . . .	3	Larceny . . . . .	6	do. . . . .	
14	S. H. . .	Jan. 7, 1851	White man. . . . .	Dist. of Columbia. . .	20	do. . . . .	1	Forgery . . . . .	3	Shoemaking . . . . .	
15	J. P. . .	do. . . . .	Mulatto woman. . . . .	do. . . . .	29	do. . . . .	1	Larceny . . . . .	2	do. . . . .	Jan. 7, 1853.
16	F. R. . .	Jan. 9, 1851	White man. . . . .	Germany . . . . .	41	do. . . . .	1	do. . . . .	2	Carpentry . . . . .	Jan. 9, 1853.
17	S. S. . .	do. . . . .	Mulatto man. . . . .	Maryland . . . . .	45	do. . . . .	4	Assault and battery	8	Shoemaking . . . . .	
18	T. T. . .	do. . . . .	Black man. . . . .	do. . . . .	46	do. . . . .	2	with intent to kill.	3	Carpentry . . . . .	
19	J. A. . .	Jan. 17, 1851	White man. . . . .	Louisiana. . . . .	41	do. . . . .	1	Larceny . . . . .	10	do. . . . .	
20	J. B. . .	do. . . . .	do. . . . .	Maryland. . . . .	25	do. . . . .	1	do. . . . .	10	Shoemaking . . . . .	

*Journal of convicts—Continued.*

No.	Names.	When received.	Sex and color.	Where born.	Age.	Where convicted.	Number of times convicted.	Crime.	Term of sentence.	Employment.	Discharged.
21	F. C.	Jan. 27, 1851	White man	Maryland	25	Washington	1	Manslaughter	Yrs.	Carpentry	
22	W. T.	Jan. 31, 1851	Black man	do	32	do	3	Larceny	3	Cooking	
23	M. L.	Feb. 15, 1851	White woman	Virginia	28	do	1	Perjury	4	Shoemaking	Mar 11, 1853.
24	P. R.	Mar. 15, 1851	White man	do	22	do	1	Arson	2	Picking oakum	
25	R. B.	Mar. 18, 1851	Black man	Dist. of Columbia	46	do	3	Larceny	3	Shoemaking	
26	A. B.	do	White man	Maryland	53	do	2	do	3	Shoemaking	
27	J. R.	do	do	Dist. of Columbia	29	do	1	Assault and battery with intent to kill.	6	Blacksmith	
28	C. W.	April 1, 1851	do	Germany	23	do	1	Perjury	4	Shoemaking	
29	C. B.	do	do	do	30	do	1	do	4	Carpentry	
30	A. H.	do	do	do	36	do	1	do	4	Shoemaking	
31	W. A.	June 23, 1851	Mulatto man	Maryland	46	do	2	Larceny	3	do	
32	J. M.	June 24, 1851	White man	Switzerland	34	do	1	Forgery	4	do	
33	H. B.	July 5, 1851	do	Germany	32	do	1	Perjury	4	do	
34	A. B.	do	White boy	Dist. of Columbia	19	do	1	Larceny	3	Carpentry	Jan. 7, 1853.
35	A. H. B.	July 7, 1851	White man	New York	34	do	1	Obtaining money under false pretences.	1½	Shoemaking	
36	J. R.	July 18, 1851	do	Virginia	68	do	1	Larceny	2	Labor	July 18, 1853.
37	E. J. M.	July 21, 1851	do	do	61	do	1	Bigamy	3	Picking oakum	
38	N. W. L.	Aug. 13, 1851	do	South Carolina	25	do	1	Larceny	3	Barber	
39	J. D.	Dec. 5, 1851	Black man	Maryland	41	do	6	do	3	Shoemaking	
40	G. L.	Dec. 11, 1851	do	Virginia	22	do	1	do	2	do	Dec. 11, 1853.
41	G. E.	Dec. 19, 1851	Mulatto boy	Dist. of Columbia	19	do	1	do	2	Blacksmith	Dec. 19, 1853.
42	E. M.	Dec. 20, 1851	Mulatto man	Maryland	21	do	1	do	2½	Shoemaking	
43	W. U.	Dec. 27, 1851	White boy	Dist. of Columbia	16	do	1	do	2	do	Dec. 27, 1853.
44	A. T.	Jan. 10, 1852	Black man	do	27	do	4	do	6	do	

45	R. D.	Jan. 15, 1852	White man	New York	94	do.	1	do.	23	do.	Pardoned Dec. 31, 1853.
46	L. Z.	Jan. 17, 1852	White boy	Germany	16	do.	1	do.	2	do.	Sept. 27, 1853.
47	W. L.	Jan. 27, 1852	Black man	Virginia	28	do.	1	do.	13	do.	
48	F. A.	Mar. 17, 1852	White man	Canada	21	do.	1	do.	2	do.	
49	C. F.	do.	do.	Germany	24	do.	1	do.	2	do.	
50	C. C.	do.	do.	Virginia	30	do.	1	do.	14	Picking oakum	
51	N. B.	do.	Black man	Maryland	19	do.	1	do.	1	Shoemaking	Sept. 17, 1853.
52	W. K.	Mar. 27, 1852	White boy	Pennsylvania	23	do.	2	do.	2	do.	Mar. 17, 1853.
53	M. McP.	April 2, 1852	Black woman	Maryland	30	do.	1	Assault and battery with intent to kill.	4	do.	
54	W. W.	April 23, 1852	White man	do.	39	do.	1	Murder	Life	Shoemaking	
55	H. A. N.	May 25, 1852	do.	New York	60	do.	1	Forgery on U. States government.	4	do.	
56	G. K.	do.	Mulatto man	Virginia	19	do.	2	Larceny	2	Picking oakum	
57	W. H. H.	May 29, 1852	White man	do.	21	Stanton, Va.	1	Robbing U. States mail.	10	Shoemaking	Pardoned Dec. 26, 1853.
58	W. W.	June 25, 1852	do.	Pennsylvania	21	Washington	1	Larceny	2	do.	
59	J. D.	July 23, 1852	do.	Dist. of Columbia	24	do.	1	Manlaughter	8	Carpentry	
60	R. S.	Aug. 3, 1852	Black man	Maryland	40	do.	1	Larceny	14	Picking oakum	
61	G. W. L.	do.	Mulatto man	Dist. of Columbia	23	do.	1	Received stolen goods	5	Shoemaking	
62	C. C.	do.	Mulatto boy	do.	15	do.	1	Larceny	14	Carpentry	
63	W. P.	do.	Mulatto man	do.	21	do.	2	do.	3	Shoemaking	
64	M. D.	Aug. 5, 1852	White woman	Virginia	17	do.	1	do.	2	do.	
65	H. W.	Aug. 14, 1852	Black woman	Dist. of Columbia	25	do.	1	do.	3	do.	
66	G. W.	do.	Black man	do.	20	do.	2	do.	2	Shoemaking	
67	J. H.	do.	Mulatto man	do.	21	do.	1	do.	4	do.	
68	T. H.	Aug. 16, 1852	Black man	do.	39	do.	1	do.	2	Picking oakum	
69	J. F.	do.	Black boy	do.	18	do.	1	do.	34	Shoemaking	
70	H. M.	Aug. 23, 1852	Black woman	Maryland	50	do.	1	do.	74	do.	
71	S. D.	do.	Mulatto man	Virginia	53	do.	1	do.	3	Picking oakum	
72	P. K.	Aug. 24, 1852	White man	Ireland	45	do.	1	do.	14	do.	
73	W. E.	Oct. 4, 1852	do.	Illinois	27	Wythe C. H., Va.	1	Robbing United States mail.	10	Shoemaking	
74	N. K. G.	Oct. 16, 1852	do.	Virginia	21	Stanton, Va.	1	do.	2	do.	
75	J. McC.	Dec. 11, 1852	do.	South Carolina	29	Washington	1	Larceny	3	do.	
76	E. S.	Dec. 18, 1852	White woman	Ireland	19	do.	1	do.	14	do.	
77	M. G.	Dec. 21, 1852	White man	Dist. of Columbia	19	do.	1	do.	2	Shoemaking	
78	C. R.	Dec. 26, 1852	do.	France	50	do.	1	do.	14	Picking oakum	
79	W. N.	do.	do.	Dist. of Columbia	32	do.	3	do.	2	Shoemaking	

*Journal of convicts—Continued.*

No.	Names.	When received.	Sex and color.	Where born.	Age.	Where convicted.	Number of times convicted.	Crime.	Term of sentence.	Employment.	Discharged.
80	G. D....	Dec. 29, 1852	Mulatto man ..	Dist. of Columbia..	28	Washington.....	1	Larceny.....	1½	Shoemaking ..	
81	J. S....	Jan. 6, 1853	White man....	Ireland.....	27	do.....	1	do.....	1½	do.....	
82	N. S....	Jan. 10, 1853	Black man....	Dist. of Columbia..	41	do.....	5	do.....	2	do.....	
83	G. W....	Jan. 13, 1853	White man....	Pennsylvania.....	41	do.....	1	do.....	1	do.....	
84	D. L....	do.....	Black man....	Dist. of Columbia..	26	do.....	1	do.....	1½	do.....	
85	L. G....	Jan. 14, 1853	Black woman ..	do.....	23	do.....	1	do.....	1	do.....	
86	G. H....	Jan. 19, 1853	White man....	At sea.....	21	do.....	1	Arson.....	5	Shoemaking ..	
87	A. L....	do.....	do.....	Dist. of Columbia..	21	do.....	1	Receiving stolen goods.	3	Carpentry.....	
88	S. T....	Jan. 20, 1853	do.....	Maryland.....	55	do.....	1	Bigamy.....	2	Shoemaking ..	Pardoned Mar. 2, 1853.
89	J. B....	Jan. 30, 1853	Black boy.....	Dist. of Columbia..	17	do.....	1	Assault and battery, with intent to kill.	3	do.....	
90	J. W. M.	Feb. 1, 1853	White man....	North Carolina....	35	do.....	1	Forgery.....	6	do.....	
91	T. H....	Feb. 2, 1853	do.....	Dist. of Columbia..	20	do.....	1	Larceny.....	1½	do.....	
92	W. J. S.	Feb. 3, 1853	White boy.....	do.....	20	do.....	1	Assault and battery, with intent to kill.	4	do.....	
93	F. P....	Feb. 14, 1853	Mulatto girl ..	do.....	14	do.....	2	Larceny.....	2	do.....	
94	E. J....	Feb. 18, 1853	White man....	England.....	25	do.....	1	do.....	2	Picking oakum	
95	J. W....	Feb. 19, 1853	do.....	Pennsylvania.....	27	do.....	1	Attempting to pass forged bank notes.	2½	Shoemaking ..	
96	E. M....	do.....	do.....	Maryland.....	19	do.....	1	Robbing the mail....	10	do.....	
97	A. H. G.	Mar. 1, 1853	Black boy.....	Dist. of Columbia..	13	do.....	1	Larceny.....	4	do.....	

102	R. A.	June 27, 1853	White man	do.	do.	1	Burglary	5
103	A. L.	do.	Mulatto man	do.	do.	1	Larceny	4
104	W. B.	June 29, 1853	do.	Virginia	do.	1	do.	1
105	C. B.	July 9, 1853	White man	Ireland	do.	1	Floating oakum	2
106	V. O.	July 11, 1853	Mulatto man	Havana, Cuba.	do.	1	Shoemaking	2
107	E. B.	do.	do.	Dist. of Columbia.	do.	1	do.	3
108	M. G.	July 12, 1853	Mulatto girl	do.	do.	1	Assault and battery, with intent to kill.	1
109	C. A. B.	July 16, 1853	Black woman	do.	do.	1	Larceny	3
110	J. E.	July 26, 1853	Mulatto man	do.	do.	2	do.	1
111	J. B.	Aug. 2, 1853	do.	Maryland	do.	1	do.	1
112	J. F. W.	Aug. 16, 1853	White man	Dist. of Columbia.	do.	2	Arson	12
113	J. T.	Aug. 19, 1853	Black man	do.	do.	1	do.	13
114	W. M.	Dec. 16, 1853	White man	Germany	do.	1	False pretences.	2
						1	Receiving stolen goods.	24



## RECAPITULATION.

Number of convicts in the penitentiary December 31, 1852.....	80
Number of convicts received in all the year 1853.....	34
	<hr/>
Total in all the year 1853.....	114
Number discharged by expiration of sentence.....	17
Number pardoned.....	4
	<hr/>
	21
	<hr/>
Remaining in the penitentiary December 31, 1853.....	93
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Who are apportioned to labor as follows :

Infirm.....	1
Shoemaking.....	56
Carpentry, &c.....	8
Blacksmithing.....	1
Tailoring, shoe-binding, &c.....	12
Picking oakum.....	10
Labor.....	2
Barber.....	1
Cooking.....	1
Baking.....	1
	<hr/>
	93
	<hr/>

*A statement showing the balances due the Penitentiary for the District of Columbia for the different years :*

For the year 1842.....	\$345 52
“ 1843.....	14 90
“ 1844.....	33 50
“ 1845.....	1,466 43
“ 1846.....	286 26
“ 1847.....	588 06
“ 1848.....	228 63
“ 1849.....	48 72
“ 1850.....	92 54
“ 1851.....	172 52
“ 1852.....	620 49
“ 1853.....	5,044 41
	<hr/>
	8,941 98
Notes on hand and not paid.....	3,322 09
	<hr/>
Total amount of notes and accounts.....	12,265 07

Of the above there is—

Unavailable accounts.....	\$3,363 19	
Unavailable notes .....	1,864 61	
		<u>\$5,227 80</u>
Total amount of available funds.....		<u>7,037 27</u>
The total amount of indebtedness of the penitentiary for the District of Columbia up to December 31, 1853...	12,175 66	
From which deduct the amount of available funds .....	7,037 27	
		<u>5,138 39</u>

## No. 4.

U. S. PENITENTIARY, D. C., *January 1, 1854.*

GENTLEMEN: In obedience to the law requiring of the physician to this institution an annual report, I have the honor to submit the following statement relative to the operations and condition of the department under my charge:

By reference to the medical records for the first six months of the past year, antecedent to my connexion with this establishment, notwithstanding a considerable accession to the number of inmates for that period, I find no corresponding increase of sick over the same period for the year preceding. During the latter half of the past year, commencing about the 1st of June, at which date I assumed the professional charge of this department, the number of sick has been materially augmented, owing however to no specific local or *intramural* influence, but due chiefly to extraneous and general morbid agencies, entirely independent of, and beyond the control of, the most judicious sanitary regulations adopted for the government of this institution. Notwithstanding, therefore, the isolated position of those confined within this establishment, together with the uniform mode of life pursued by them, both with respect to occupation, habit, and regimen, it would seem that they can claim no exemption from the epidemic or endemic causes of disease which visit or are incident to that locality. Thus, during the months of June, July, and August, the usual period for the prevalence of intestinal diseases throughout the limits of our city, these affections were found to exist to a considerable extent among the prisoners, augmenting very perceptibly for that period the number of sick, and proving, in many instances, both obstinate and dangerous. The same truth was more strikingly illustrated during the autumnal months of September, October, and November, by the unusual prevalence of malarious diseases—upwards of seventy cases of intermittent and remittent fever having occurred among the inmates during those three months, dependent upon the same miasmatic influence existing in a correspondingly active degree beyond the limits of the penitentiary walls, and having its origin in some external and remote source.

Taking into consideration the well-established fact, founded upon the

observations of medical men, as well as those of others, namely, that the exhalations emanating from paludal or miasmatic localities are capable of being arrested in their diffusion by the foliage of trees, I was not prepared to find the high wall which surrounds this establishment offer so ineffectual a barrier to the invasion of this pathogenic and subtle agent—no portion of the building having escaped its pervading influence.

Owing to the limited stock of medicine on hand, added to the increase of sick above indicated, I was compelled, for the first two or three months after entering upon the duties of this department, to make such additions to the dispensary, as regards medicines, surgical appliances, and furniture, as in my judgment the necessities of the case absolutely demanded—departing somewhat, in this particular, I am aware, from that parsimoniously rigid system of economy which has heretofore characterized the administration of every branch of this institution. I deem it proper, in this connexion, respectfully to call your attention to the necessity which in my judgment exists for the appointment of an apothecary, or hospital steward, whose special vocation it shall be to compound and faithfully administer the medicines prescribed by the physician for the sick, together with such other secondary duties as the warden may see fit to prescribe. I am induced to offer this suggestion, in consequence of the great difficulty which has been experienced in having the sick properly cared for, and the medicines faithfully exhibited, during the absence of the physician—owing, I am aware, to no voluntary neglect on the part of the individual to whom this duty has been assigned. In justice to that officer, (the deputy warden,) I feel constrained here to say, that organized as the government of this institution is at present, with a force so obviously inadequate to an efficient performance of its onerous and increasing duties, which must necessarily impose upon him such multifarious and important official responsibilities, I am satisfied of his utter inability to discharge with more fidelity and satisfaction the incidental one of hospital steward. It is consequently hoped that you will feel the importance of acquiescing in this recommendation for an increase of the official *personnelle* to this establishment, in justice to the invalid prisoners themselves, and to those under whose guardianship they are placed, as well as for the security and tranquillity of society at large.

During the past month the health of the institution has been unusually good, the hospital reports having exhibited for that period a gratifying decrease in the number of sick. At present we have in hospital but four cases of disease, two of which are of a chronic character, and have been under medical treatment, more or less, for the last ten months; one of acute disease requiring no special notice, and one of partial insanity. With regard to the latter of these, I feel that I should be recreant to the obligations imposed by the relation which I hold to this establishment, as well as to the dictates of my own conscience, were I to pass by as unworthy of notice that class of cases to which this unfortunate individual belongs. The obvious difficulties which must be encountered in the treatment of affections of this nature in such an institution as this, cannot fail to suggest themselves to your minds, when it is remembered that according to the present most approved and

ful system of treatment adopted by those institutions established for a specific purpose, the unfortunate subjects of such maladies required to be surrounded by circumstances and conditions calculated to remove from their minds all impressions of an unpleasant and repulsive character. Especially does it enforce the necessity of giving the semblance of imprisonment and the practice of coercion; the former system of rigorous and cruel compulsion having given place to the more effectual, benign, and humane one of persuasive and moral means. In view, therefore, of these insuperable obstacles which militate against the successful treatment of these cases under the circumstances by which they are here surrounded, it has occurred to me that it might not be inconsistent with propriety and a discrimination of justice, to suggest that in all such cases of clear and vocal mental disease occurring within this institution, and appearing of an incurable character, the subjects of such cases be removed to the insane hospital. It is presumed that, inasmuch as the pardon-power is vested in the President of the United States, no doubt can be entertained of his authority to carry into effect this suggestion when satisfied of its justice and propriety.

In conclusion, I avail myself of this occasion to testify to the zeal, industry, and judicious discrimination exhibited by the warden in the discharge of his official duty, as well as the industry and fidelity manifested by the other officers of the institution holding subordinate posi-

respectfully, your obedient servant,

ALEX. Y. P. GARNETT, M. D.,  
*Physician of the Penitentiary.*

for the INSPECTORS OF THE U. S. PENITENTIARY, D. C.

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No. 5.

*Report of the Chaplain.*

WASHINGTON, January 1, 1854.

GENTLEMEN: As I have but just entered upon the discharge of my duties as chaplain to the United States penitentiary, you will not expect me to make an extended report.

Although the appointment was unsolicited on my part, it was received with a high degree of satisfaction. Providentially prevented from doing as heretofore in the ministry, I am grateful that God has opened to me a field of usefulness in which I can labor as my impaired health may allow. I say a field of *usefulness*, for I have strong hopes of rendering myself useful even in a prison; for God has said "My hall shall not return unto me void, but shall accomplish that which I will, and shall prosper in the thing whereto I sent it."

The prisoners, so far as I can judge, hail the return of the Sabbath with delight, and seem eager to listen to the word of God. This, together with their marked kindness and respect thus far manifested to the chaplain, leads me to believe that God will give the word

success. Besides the public preaching of the word, the Sabbath school is still continued with increasing interest. Though in the male department there is great need of a few benevolent persons to volunteer as teachers, yet the little time the chaplain can devote to this work promises to result in great good, both by way of advancing those who are learning to read, and communicating a better knowledge of the Scriptures, which are "able to make wise unto salvation." In the female department we have a most competent teacher in the person of the self-sacrificing, energetic, and devoted Miss Martha Lincoln, whose benevolence leads her to walk the distance of two miles twice every Sabbath, that she may point those unfortunate females to the "Lamb of God that taketh away the sin of the world."

A library of some seven hundred volumes has been procured, to which those prisoners who can read have access; and the halls of the prison have been so lighted as to enable them to read in their cells till nine o'clock in the evening.

Nothing seems to be left undone that could consistently be done by the warden and his aids for the comfort and improvement of the prisoners.

I beg leave, respectfully, to call your attention to the importance of an increase of the warden's aids. I learn he has but seven in all. Both convenience and safety require that the number be augmented. Permit me to say, in conclusion, that a short acquaintance with the gentlemanly warden and his assistants leads me to believe that every reasonable effort will be made by them to facilitate the plans of the chaplain.

I am, gentlemen, very respectfully, your obedient servant,

P. R. RICHARDS, *Chaplain.*

To the INSPECTORS OF THE U. S. PENITENTIARY, D. C.





MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

*in compliance with a resolution of the Senate, a copy of the correspondence  
in relation to the imprisonment of James H. West in the island of Cuba.*

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MARCH 13, 1854.—Referred to the Committee on Foreign Relations.

MARCH 14, 1854.—Ordered to be printed.

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*To the Senate of the United States :*

I transmit herewith to the Senate, a report of the Secretary of State, with accompanying documents, in compliance with their resolution of the 9th of March, 1853.

FRANKLIN PIERCE.

WASHINGTON, March 11, 1854.

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DEPARTMENT OF STATE,

Washington, March 11, 1854.

The Secretary of State, to whom has been referred the resolution of the Senate of the 9th of March, 1853, requesting the President ("if in his opinion not incompatible with the public interest) to communicate to the Senate copies of any correspondence relating to the imprisonment, or detention in custody, of James H. West, a citizen of the United States, at Sagua la Grande, in the island of Cuba, and of the seizure of his property by the authorities of said island, together with all information connected therewith," has the honor to lay before the President a copy of the documents specified in the accompanying list.

Respectfully submitted,

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.



*'List of documents accompanying the report of the Secretary of State to the President of the United States, of the 11th of March, 1854.'*

Mr. Campbell to Mr. Clayton, (enclosures,) February 28, 1850.  
 Do. do March 8, 1850.  
 Mr. Hall to Mr. Clayton, March 11, 1850.  
 Mr. King to Mr. Clayton, (enclosures,) March 12, 1850.  
 Mr. Clayton to Mr. King, March 13, 1850.  
 Mr. Barringer to Mr. Clayton, No. 16, (extract and enclosure,) May 2, 1850.  
 Mr. Clayton to Mr. King, May 14, 1850.  
 Mr. Barringer to Mr. Clayton, No. 17, (enclosures,) May 16, 1850.  
 Mr. Clayton to Mr. King, May 27, 1850.  
 Mr. Campbell to Mr. Clayton, (enclosure,) June 10, 1850.  
 Mr. McLean to Mr. Clayton, June 13, 1850.  
 Mr. West to Mr. Webster, (enclosures,) July 26, 1850.  
 Mr. Barringer to Mr. Webster, No. 30, (extract and enclosure,) August 22, 1850.  
 Mr. West to Mr. Webster, August 26, 1850.  
 Mr. Webster to Mr. West, August 28, 1850.  
 Affidavit of Mr. Jordan, August 31, 1850.  
 Mr. Barringer to Mr. Webster, No. 32, (extract and enclosure,) September 5, 1850.  
 Mr. Barringer to Mr. Webster, No. 33, (extract and enclosure,) September 12, 1850.  
 Mr. McLean to Mr. Webster, (extract,) September 28, 1850.  
 Mr. West to Mr. Webster, September 30, 1850.  
 Mr. Barringer to Mr. Webster, No. 35, (enclosure,) October 3, 1850.  
 Mr. West to Webster, October 17, 1850.  
 Mr. Derrick to Mr. West, October 19, 1850.  
 Mr. West to Mr. Webster, March 21, 1851.  
 Mr. Derrick to Mr. West, March 31, 1851.  
 Mr. Lord to Mr. Webster, December 31, 1851.  
 Mr. Webster to Mr. Lord, January 3, 1852.  
 Mr. West to Mr. Webster, February 5, 1852.

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*Mr. Campbell to Mr. Clayton.*

CONSULATE OF THE UNITED STATES,  
*Havana, February 28, 1850.*

SIR: I have the honor to enclose herewith copies of a letter, and of my reply thereto, from an American citizen, James H. West, established as a merchant at Sagua la Grande, where the consul for Trinidad has a consular agent.

From my letter to Mr. West you will perceive that I have declined official action on the following grounds: 1st. That I am only recognized as consul for Havana. 2d. That my interference in the affairs of the consulate of Trinidad might be offensive to Mr. McLean. My letter to Mr. West would have been more full, but as his papers are all seized, it is probable that all letters to his address will be intercepted.

To have addressed the captain general officially in behalf of Mr. West would have drawn from him the charge of my desiring to assume duties beyond the sphere of the consulate, and a quotation from my executor to prove its justice.

If an opportunity occurs to interpose unofficially, it will be embraced. I have the honor to be, sir, with great respect and esteem, your most obedient servant,

ROBERT B. CAMPBELL.

Hon. JOHN M. CLAYTON,  
*Secretary of State, Washington City.*

SAGUA LA GRANDE, *February 23, 1850.*

MY DEAR SIR: You have doubtless been informed through our vice-consul, Mr. Glean, of the circumstances which have recently occurred here in which I am the sufferer. In addition I take the liberty to address you, having the honor of your acquaintance, and trust that you will on this account, as well as in your official capacity, extend the aid and advice now needed.

Immediately after the imprisonment of these men, and my own arrest, documents were forwarded to Mr. McLean informing him of the facts, and asking for his interposition. Although four weeks have elapsed, I find myself still in the same position, and but one, so far as I have heard, of the three men imprisoned, released, he I suppose on account of his youth.

I passed one week of anxiety in undergoing an examination and witnessing the scrutiny of my papers, as well business as private—at the end of this time I was told that nothing appearing to my detriment, and the evidence of other parties going to clear me from all connection with the importation of the powder,) I should soon be exonerated, and have my papers restored—nevertheless this is not done. I am yet without my books and accounts, (which as you may suppose are of the greatest importance to a mercantile man.) My property, consisting of lumber and cooperage materials, in process of being worked, is embargoed and useless to me, and myself not allowed to leave this town, which is at a distance from my business. Do, my dear sir, as you believe me innocent, make exertion on my own and others behalf. It is not in the nature of man to suffer causelessly without making application or appeal for relief. I have forwarded protests, for myself and the man released, to my friends in the United States, to be presented to the Executive; also, facts relative to the case of Edward and Lambden, still in prison.

Trusting this may meet your favorable notice, I remain, very respectfully and humbly, your obedient servant,

JAMES H. WEST.

Gen. CAMPBELL,  
*U. S. Consul, Havana.*

CONSULATE OF THE UNITED STATES,  
Havana, February 28, 1850.

MY DEAR SIR: Your communication of the 23d inst. came to hand yesterday, and in reply, it becomes necessary to state that my exequatur only recognizes me as consul for Havana, and whatever may be my disposition to interpose in your business, it would perhaps be just cause of offence to the consul at Trinidad that I should interfere *officially* in the discharge of duties belonging exclusively to him.

There can be no doubt Mr. McLean has given prompt attention to your application, and it is presumed he only withholds his reply until he has something definite to communicate.

Very respectfully your obedient servant,

ROBERT B. CAMPBELL.

JAMES H. WEST, Esq., *Sagua la Grande*.

SAGUA LA GRANDE, March 5, 1850.

SIR: I have not the honor to acknowledge the receipt of any communication from you as yet.

Enclosed please find my protest, made before notary public here, which I wish to deposit in your hands in furtherance of my claims, and to be used by you in any manner which your good judgement and friendly sympathies may suggest.

Things remain in the same state as for the last few weeks—examinations, I believe, have closed—still the American and Frenchman are yet imprisoned, my property embargoed, my papers unrestored, and my release not granted me.

With much respect, I remain your obedient servant,

JAMES H. WEST.

Gen. CAMPBELL, *Consul U. S. Havana*.

*Mr. Campbell to Mr. Clayton.*

CONSULATE OF THE UNITED STATES,  
Havana, March 8, 1850.

SIR: I had the honor to forward you on the twenty-eighth of February last, copies of a correspondence with Mr. James H. West.

I have received this morning from Mr. West, residing at Sagua la Grande, a letter and a copy of a protest made before a notary public of that place, copies of which and a translation of the protest,\* are herewith forwarded. By these you will discover that Mr. West is still a prisoner in certain limits, his property embargoed, and his papers sequestered.

So far as I am informed of the circumstances of the arrest of Mr. West by Mr. McLean's agent at Sagua la Grande, they are as follows:

\* This will be found in Senate Document, Special Session, 33d Congress, Miscellaneous, No. 3.

the brig Eolian, Jordan, master, arrived from Boston at Sagua la Grande and Granadillo with cargo, a part of which consisted of twenty kegs of blasting powder, and two hundred and forty cannisters of sporting powder. The powder was smuggled on shore, and subsequently discovered at a place where certain storehouses were being built. Three white men (two Americans and one Frenchman) and two negroes belonging to an English planter, Mr. Finney, were arrested and confined. Mr. West and Capt. Jordan were placed under arrest, having the town of Sagua la Grande for their limits. Capt. Jordan, after avowing himself as the only party interested in the powder, got on board of his vessel, and proceeded to sea; he was pursued, but not overtaken.

My object in enclosing Mr. West's protest is to enable you, if you deem it proper, to give such instructions as your better judgment may dictate.

I have the honor to be, sir, with great respect and esteem, your most obedient servant,

ROBERT B. CAMPBELL.

Hon. JOHN M. CLAYTON,  
*Secretary of State, Washington city.*

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*Mr. Hall to Mr. Clayton.*

NEW YORK, March 11, 1850.

MY DEAR SIR: This will be handed you by the Rev. Mr. John West, of Bristol, Rhode Island, who visits Washington for the purpose of conferring with the heads of the various departments of government here, in relation to matters of deep concernment to him, if not of national importance.

Mr. West is a gentleman well known to me, of great worth and respectability, and I commend him to your kind and favorable consideration.

With very great respect, your obedient servant,

J. PRESCOTT HALL.

Hon. JOHN M. CLAYTON,  
*Secretary of State, Washington.*

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*Mr. King to Mr. Clayton.*

HOUSE OF REPRESENTATIVES,  
*Washington, March 12, 1850.*

SIR: I beg to enclose to you the accompanying documents, which show that James H. West, Edward Reed Lambden, and Clement S. Fisher, American citizens, are detained under arrest, and deprived of the rights to which, as American citizens, they are entitled, at Sagua la Grande, in the Island of Cuba, and ask you to give the case that early action which it demands, either by instructions to our consul general

at Havana, or in such other manner as you may deem best. The enclosed documents, you will observe, are only copies, but the letter of the Rev. Mr. West, the father of the above-named J. H. West, which I enclose to you, assures me that the originals will be produced here in the course of this week by him in person.

I am, sir, very respectfully, your obedient servant,  
**GEORGE G. KING.**

Hon. John M. CLAYTON,  
*Secretary of State.*

BRISTOL, R. I., *March 8, 1850.*

DEAR SIR: I enclose herewith a statement of facts respecting the arrest and ill-treatment of several American citizens at Sagua la Grande, Cuba, by the Spanish authorities.

I have to request that you will cause this information to be laid before the President. It is due to him that an accurate view of the case should be in his possession; as it has occasioned no little excitement in the island, and informal and exaggerated reports are already abroad. It is equally important to the suffering parties, that immediate communication should be opened on the subject with the consul general at Havana.

Confiding and commending the subject to your own judgment and attention,

I am, very respectfully, your friend and obedient servant,  
**JOHN WEST.**

P. S.—I look for further advices from my son by the steamer's mail next week; when, if not otherwise advised, I propose to go on to Washington. I send *copies* of the protests, as I do not like to hazard the loss of the originals, and also intend to bring them on with me.

#### *Statement of Facts.*

In the month of December, 1849, Mr. James Howe West, of Bristol, R. I., chartered the brig Eolian, of Portland, and despatched her from Boston with a cargo consisting of the frame and other materials for a storehouse, lumber, shorts, hogsheads, &c., for Sagua la Grande, Cuba. He proceeded by the steamer route, and arrived about the 1st of January. A few days after the brig arrived and discharged her cargo at a point where the merchandize for several neighboring estates is discharged. When the cargo was nearly discharged, there was discovered in a shed near the point, and in the vicinity of which carpenters were at work, about *twenty kegs of gunpowder*. This article is not allowed by law to be imported under a penalty; but it is well known that it is often done, and winked at by the revenue officers.

There came as passengers in the brig two young carpenters, under contract to work in putting up the storehouse at Grandillo. This

place is a few miles up the river Sagua, and its *landing* is the point above mentioned. One of these men, together with an American cooper, were there at work for Mr. West. The other carpenter was at work on the estate fifteen miles distant from Grandillo.

On the discovery of the powder, the two former were immediately seized, on the ground that they *were Americans*, and that *one of them came in the vessel* which was *suspected* of having brought the powder. They were lashed together, back to back, with their hands tied behind them. In this condition they were imprisoned all night, the blood oozing from their wrists below the cord. The next day they were placed on horseback and conveyed to the prison at Villa Clara, about thirty miles distant. Officers were then dispatched to the estate, where the American administrator, Mr. Emerson, was seized with two of his hands, and also conveyed to prison at Villa Clara.

The first intimation Mr. West received in regard to these proceedings was his own arrest, and the seizure of his papers and property. The officers who performed this duty, after carefully examining their instructions, informed him that if no suspicious articles (such as arms or gunpowder) were discovered among his merchandize, he should be allowed to go at large, on giving his word of honor and signing a document not to leave town until he received permission.

The following day, and each succeeding day for above a week, his papers underwent the strictest scrutiny; and as he had in his possession letters both of a friendly and a business character, extending through a period of several years, the task for the interpreters employed was not an easy one. In all these letters, as well as in his business documents, *not one word was discovered bearing in any way upon politics*. Few would have passed such an ordeal, and have come out unsuspected from the hands of a Spanish inquisition.

After the examination was concluded, the judge certified that nothing had been discovered to implicate him in any political designs, (for this was the sole origin of the suspicions and arrests,) but he was informed that he would not be discharged from arrest, or be restored to the possession of his papers, until orders should be received from higher authority.

In regard to his own treatment, the conduct of the officers, although they fully carried out their instructions, was characterized by courtesy and good feeling. He was, fortunately, among friends who were well satisfied of his innocence of all such intentions as were ascribed to the persons connected with the landing of this powder. The citizens of Granadillo fully sympathize with him, and condemn their neighbors of Villa Clara (which is an inland jurisdiction) for their precipitancy and alarm in this whole affair, in *giving a political coloring* to what was a mere smuggling adventure, and in which Mr. West is not suspected of having any thing to do. In order to hasten the relief of the persons imprisoned, Mr. West sent an express through to the consul at Trinidad, with the concurrence of the consular agent at Granadillo, to inform him of the circumstances, and urging him to adopt speedy measures in their behalf. For that these men are innocent of all design to defraud or injure the government in any way, is as clear in their case as in that of my American living.

Such is a true and unvarnished history of this outrage on the liberty, property, and interests of these American citizens. These leading facts are set forth in three protests which accompany this communication.

The injury thus inflicted upon the sufferers cannot be readily estimated. You can form some estimate of the pecuniary loss, by the consideration of their circumstances. Mr. West had arrived only in season to accomplish his design to erect buildings for storing the produce of the plantation, and facilitating its shipment. The administrator of the estate was waiting only for the operations confided to the department of Mr. West, to commence the transfer of a whole year's produce of a sugar estate from the plantation to the landing. The time during which such an operation must be accomplished is very short; and every day's delay involves very serious loss. At such a critical moment the administrator is torn from the estate, the financial agent put under arrest, his books and papers taken out of his hands, his materials for building exposed and scattered under a burning sun, his laborers imprisoned, and charges and expenses to an enormous amount heaped upon him; besides the prospect of irretrievable losses occasioned by the delay of his whole year's operations.

But another view remains to be taken of this subject. No such outrage as the present could have occurred, were it not for the *false* impressions, (I trust they will prove such,) respecting the *disposition of the American government to protect the rights of its citizens in foreign lands*. A gentleman who is familiar with the history of Cuban legislation, and with the consequent sufferings of American citizens there, thus writes me: "I am sorry to say that very little confidence is felt here in the disposition of the American government to redress the wrongs of its citizens. So general and so strong has been this sentiment, that American citizens have been accustomed, for years back, to appeal, when in trouble, to the *British flag* for protection." "For my own part," he says, "I now reason differently. A new administration, and one that resorted to such prompt and decisive measures to put down an unwarrantable attempt on the part of its own citizens to create *disorganization* here, inspires me with new hopes; and the high ground on which it has placed itself before the eyes of the world, ought to embolden us to demand justice in behalf of its own citizens, when oppressed by the Spaniards here." Unfortunately, the Cubans reason differently. The noble act of the President, in crushing a conspiracy against their government, and *putting down* Americans for the attempt, has made them still more daring and unscrupulous in their treatment of *Americans* there! They have yet to learn the new political doctrine that *impartial* justice is the law of an enlightened republic; that it can be as stern in exacting reparation, as exact in awarding redress for the wrong of a foreign government.

You will allow me, dear sir, to conclude this appeal by entreating you to do all in your power to secure immediate attention to this subject. If a correspondence should be opened with the consul at Havana, you must perceive the importance of avoiding delay, in order to facilitate the early discharge of those now under arrest. And, in regard to remuneration for damages sustained, the case equally demands the *com-*

menacement of a course of action. I pray that redress may not come so tardily that the parties, like some departed citizens of our little town, may be left to *bequeath* to their decendants an acknowledged, but unsettled claim on the government appointed for our protection.

I am, sir, with great respect, your obedient servant,

JOHN WEST.

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SAGUA LA GRANDE, *February* 8, 1850.

MY DEAR FATHER: I now write to you some account of the circumstances under which I have been placed, and a hasty sketch of the matter so far as affects myself, that you may not be misled or alarmed by false reports which may, by the time you get this, be current in the United States. When I left Boston, as you know, the brig *Eolian* was taking a cargo for me, and was to sail a few days after my departure in the steamer. This vessel arrived at this place about a week after I got here. After her cargo was nearly discharged there was discovered about twenty kegs of powder on the land at the point where her lumber, shooks, &c., were delivered. This article is not allowed, by the laws, to be imported, under a penalty, but it is well known that it is often done, and winked at by the revenue officers. There came as passengers in this vessel, two young carpenters from Boston, under contract to work for me in putting up a storehouse at Granadillo; one of them was at work at that place, the other had not yet commenced, but was at work on the estate, (ten miles distant.) The one engaged at Granadillo, together with an American cooper, at work for me at the same place, were immediately seized on the discovery of this powder and without any other reason than that they were Americans, and one of them arrived in the vessel which was supposed to have brought the powder, were carried to prison, to Villa Clara, distant thirty miles. The first intimation I had of this was my own arrest, the seizure of my papers and property. My effects were examined in my presence, my papers, books, and all my materials placed in a trunk and sealed. The officers whose duty it was to perform this, after carefully examining their instructions, informed me that as no suspicious articles (such, I presume, as gunpowder or arms) were discovered among my things, I should be allowed to go at large, on giving my word of honor and signing a document not to leave the town until I received permission. The following day, and each succeeding day for about a week, my papers underwent the strictest scrutiny, and as I had in my possession letters of both a friendly and business nature, extending through a period of several years, the task for the two interpreters employed was not an easy one. Fortunately for me, not one word was discovered bearing in any way upon the subject of politics, had it been otherwise I should not have been at liberty now to write you. I think few could have passed the ordeal and come out as unsuspected as myself. Well it was for me that I was not on the estate or at Granadillo at the time the others were conveyed to prison, as I should have added to the number. (I omitted to mention that the administrator of the estate, Mr. Emerson, and two negroes were conveyed to Villa Clara.) I was for-



unately among friends, who were satisfied of my innocence of all intent, such as was wrongfully ascribed to persons connected with landing this powder, and they blame and condemn their neighbors of Villa Clara (a neighboring and inland jurisdiction,) for their precipitancy and alarm in all this matter; in giving a political coloring to what was simply a smuggling adventure on the part of the captain of the vessel. My own treatment was characterized by courtesy and good feeling, though the officers fully carried out their instructions. Yesterday the examination was concluded, and the judge certified that nothing had been discovered to implicate me in any way in politics. I have not yet, however, received my papers or been discharged from arrest. The two young men are still in prison, and are without counsel or interpreter. I wrote through the American consular agent here to our consul at Trinidad, sending through an express at a cost of \$30, to inform him of the circumstances, and desiring him to take speedy measures in their behalf, for that they are innocent of all design to defraud, or injure this government in the slightest degree, is as clear in their case as it could be in any American living. I am sorry that very little confidence is felt in the disposition of the American government to right injustice to any of its citizens abroad, and such is the general impression, so much so that a few years back Americans, when in trouble, appealed to the English flag for protection; for my part I reason differently, from the very fact that our government took speedy and effectual measures for putting a stop to an unwarrantable and unjust attempt to create disorganization here; therefore their high ground gives them a right to demand justice.

Affectionately, your son,

JAMES H. WEST

SAGUA LA GRANDE, *February 19, 1850.*

MY DEAR FATHER: I enclosed to you three protests in behalf of myself and others, with the view of having them forwarded to our government in order to maintain a claim for damages. Mr. Phinney thinks my case is clear, and that the American government will take up the cause, and demand reparation. If such is the case, I shall stand all the better here, as I have the sympathies of the very persons who have tried me—they have certified that I am innocent of all fault—still my papers are not returned to me, or my freedom restored. If there is any sense of right and wrong in the American Executive, I shall receive redress. Please take measures to have these papers placed before the government, with influence to back them. Mr. Phinney advances me money to meet my expenses at present, and I have already had to draw for \$2,000. I will soon remit you some to enable you to pursue the proper course to seek redress; and remain, in great haste,

Truly and affectionately,

JAMES ———

CONSULATE OF THE UNITED STATES OF AMERICA,  
*For the port of Sagua la Grande.*

By this public instrument of protest, be it known that on the day and date hereof, before me, Francis R. Glean, vice consul for the United States of America at the port of Sagua la Grande, personally appeared James H. West, a native of Bristol, State of Rhode Island, doing business at Sagua la Grande, in the island of Cuba, to make the following affidavit and protest, in the strongest manner possible, against the proceedings of the authorities of Villa Clara, or against whomsoever it may or doth concern.

*Affidavit of James H. West.*

I, James H. West, do hereby truly declare that, on the thirtieth day of January, A. D. 1850, I was placed under arrest, my papers taken from me, my business prostrated, and anxiety and suffering caused to myself and friends.

The following short statement of facts, bearing upon the case, may serve to explain it: The American brig Eolian, A. M. Jordan, master, of Portland, Maine, arrived in this port on or about the 5th day of January, A. D. 1850, from Boston, Massachusetts, to my consignment, bringing an assorted cargo of hogshead and box shoeks, lumber, &c.; and having on board, as passengers, two young men belonging to Boston, carpenters, who came out under contract to work for me at their trade. The passengers landed, procured their passports, and permission to remain, giving bonds, as is usual, for their good conduct; the brig proceeded to discharge her cargo at the port of Granadillo, (a landing for several sugar estates, distant a few miles from the mouth of Sagua river.) One of the carpenters went to work upon the lumber brought by the Eolian, at the aforesaid point of Granadillo; an American cooper was also engaged at his trade at the same place, being in my employ; when the vessel was nearly discharged, there was discovered, in an open shed near where these two young men were at work, about twenty kegs and a few cannisters of gunpowder; immediately, without any other proof of sinister intentions, than that it was supposed this powder was landed from the vessel in which one of these men came passenger, they were seized, their trunks and persons searched, a gold watch taken from one of them, and themselves hurried into the interior, to a distance of some thirty miles, to the town of Villa Clara, and there imprisoned. The name of the cooper is Lambden, from Philadelphia; that of the carpenter is Blethen, from Boston. The first intimation I had of the matter was my own arrest, the seizure of my papers, and examination of my trunks and property, with orders to put me in close confinement in case anything should be found connecting me with the importation of the powder. My papers have all been retained and undergone the most rigid scrutiny; and, although nothing has been found to bear in the slightest degree upon the accusation, I am still under arrest, my papers retained, while the greatest injury is accruing to my business and prospects; and I do hereby protest against these proceedings, demanding to be indemnified for the injuries I have so unjustly suffered. Having read the foregoing in the presence and to James H. West, who, having

testified to the truth and correctness of the same, herewith affixes his signature.

JAMES H. WEST.

In witness of same, I herewith affix my signature and seal of office, at Sagua la Grande, this 5th day of February, A. D. 1850.

FRANCIS R. GLEAN.

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CONSULATE OF THE UNITED STATES OF AMERICA.

I, Francis R. Glean, vice-consul for the United States of America, at the port of Sagua la Grande, Cuba, do hereby certify that the foregoing and annexed is a true and faithful copy of the original document to be found in the archives of this consulate.

In witness of same, I herewith affix my signature, and seal of office, [L. s.] at Sagua la Grande, this 1st day of March, A. D. 1851.

FRANCIS R. GLEAN.

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CONSULATE OF THE UNITED STATES OF AMERICA,

*For the port of Sagua la Grande.*

By this public instrument of protest, be it known that on the day and date hereof, before me, Francis R. Glean, vice consul for the United States of America, at the port of Sagua la Grande, personally appeared James H. West, a native of Bristol, State of Rhode Island, doing business at Sagua la Grande, in the island of Cuba, to make the following affidavit and protest against whom it may or doth concern.

*Affidavit of James H. West.*

I, James H. West, do hereby declare that I was arrested in this place by governmental order on the thirtieth day of January, 1850, as appears by my protest extended before the American vice consul at this port, the fifth day of February of same year; that I also extended a second protest on the 21st day of May following, to both of which documents I refer, or to their copies herewith affixed. I declare that my arrest was for suspicion of having committed some offence against the Spanish government; that no proof was elicited on my trial to establish any guilt; that my papers were all examined, and for many months retained, although nothing existed in them of a political nature whatever; that I have never been released from said arrest, or had any portion of my property returned to me, except my commercial books and a part of my papers, which were delivered, after having been retained about four months; that I have been subjected to many harrassing demands on the part of the government since the date of my last protest, such as to present myself at points distant from this for the purpose of responding to questions there put to me; that I have not been allowed a passport to leave the jurisdiction on any other occasions than those in which I have been ordered to do so by the govern-

ment; that I have complied with all requisitions made upon me in a perfectly civil and respectful manner towards every one; that I plead against such unjust restraint of my person and property, by which my wealth has suffered, and my means of gaining a support for myself and family ruinously interfered with; that I have offered any reasonable amount of bail for my return to the jurisdiction, praying for a short leave of absence to visit my family, which has been refused me; that my innocence has been supported by Mr. McLean, consul at Trinidad, within whose consulate the port of Sagua la Grande is, and General Campbell, consul at Havana, and also Mr. Clayton, former Secretary of State, and Mr. Webster, present Secretary in the United States, before whom the facts have been presented; have both expressed their conviction that I am suffering a groundless and unnecessary arrest and outrage. I now claim and demand, as some compensation for the injuries I am suffering, an additional sum of \$2,000 (two thousand dollars per month) per each and every month of my arrest since the date of my protest, made on the 21st day of May last. And I pray that some action may be taken by the American government to prevent the longer continuance of a course of oppression and injustice towards one of its citizens, who cherishes the belief that a full knowledge of the facts are only necessary to be known to produce such sympathy as will lead to its prompt and effectual aid.

I deem it my duty also, to make known that Mr. Lambden, who is referred to in my previous protest, was released from prison under bail not to leave the island, on the 3d day of July last, and shortly after died.

Having read the foregoing in the presence of and to James H. West, who having testified to the truth and correctness of same, herewith affixes his signature.

JAMES H. WEST.

In witness of same. I herewith affix my signature and seal of office at  
[SEAL.] Sagua la Grande, this 28th day of February, A. D. 1851.

FRANCIS R. GLEAN.

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CONSULATE OF THE UNITED STATES OF AMERICA,  
*At the port of Sagua la Grande.*

By this public document of protest, be it known that on the day and date hereof, before me, M. D. Hall, acting as vice-consul for the United States of America, at the port of Sagua la Grande, personally appeared James H. West, a native of Bristol, State of Rhode Island, doing business at Sagua la Grande, in the island of Cuba, to make the following affidavit and protest, in the strongest manner possible, against whom it may or doth concern.

*Affidavit and protest of James H. West.*

SAGUA LA GRANDE, ISLAND OF CUBA,

May 20, 1850.

I, James H. West, a citizen of the United States, and native of Rhode Island, residing lately, for commercial purposes, in this place, do solemnly protest against the present state under which, by the lawful authorities, I am held, both in person and property, for causes of which I am ignorant, certifying that on the 5th day of February last, I extended a protest before the American consular agent at this place, in which I made known that I had been placed under arrest, on the 30th day of January previous, and my papers seized in consequence of the discovery of some powder supposed to have been landed from a vessel which came to my consignment; although, in one week after my arrest, it was proved that the powder was imported without my knowledge or participation, I have been to this day deprived of the enjoyment of my liberty or the effects imported by me in said vessel, or the use or even copies of any of my commercial books or papers, or the privilege of leaving the jurisdiction in which I am arrested, which is at a distance from my family and my interests. I certify that I have made frequent applications to the authorities for my release and my property, but have been uniformly refused either; that I have corresponded with the American consuls at Trinidad and Havana, but have experienced no relief to my situation; that, if I am guilty of any crime or fault against the government, I am not aware of it, neither have I ever been informed, by any official communication, that any charge existed against me. I also certify that an American cooper employed by me, by name of Edward Reed Lambden, was arrested two days before myself, and has, from that time to this, been confined in prison; and also that a French subject in my employ was arrested at the same time with him, and is still in prison. Also, that the tools belonging to two American carpenters in my employ, have been detained from them up to this time, thereby rendering their services to me valueless; that my property has gone to waste and my business ruined in consequence of these proceedings held against me; that I place myself under the American government as a citizen thereof, and claim and demand damages to the amount of \$50,000, (fifty thousand dollars,) for the injuries I have and am suffering.

JAMES H. WEST.

In witness thereof, I herewith affix my signature and seal of office,  
[L. s.] at Sagua la Grande, this 21st day of May, A. D. 1850.

M. D. HALL.

## CONSULATE OF THE UNITED STATES OF AMERICA.

I, Francis R. Glean, vice-consul for the United States of America at the port of Sagua la Grande, Cuba, do hereby certify that the foregoing and annexed document is a true and faithful copy of the original document, to be found in the archives of this consulate.

In witness of same, I herewith affix my signature and seal of office,  
[L. s.] at Sagua la Grande, the 1st day of March, A. D. 1851.

FRANCIS R. GLEAN.

SAGUA LA GRANDE, *February 28, 1850.*

**MY DEAR UNCLE:** You have probably heard of the trouble I am in, from having been suspected of politically offending against the country, and will like some particulars direct. I will give you a sketch of the facts, and if I have room, a glance at my present position. The brig *Eolian*, Capt. A. M. Jordan, came consigned to me at this port, arriving about the 6th of January, ultimo, bringing a cargo of lumber and cooperage materials, which I had put on board of her, with my friends, Messrs. Reed and Wainwright, of Boston, at that place, in the month of December last. I had also made a contract with two young men (carpenters) to work for me this season in Cuba, and they came passengers in this vessel. After the brig had discharged all of her cargo but about twenty thousand feet of boards, the custom-house or other officers of the government discovered at the place where my cargo had been landed, and under circumstances which led them to suppose it came from my vessel, (from the fact that no other vessel was then discharging there,) a few kegs (about twenty) and some canisters of powder, concealed in barrels of potatoes, and as this is a contraband article, the sensitiveness of these people, in view of an *invasion*, led them greatly to exaggerate the facts of the case, and even go so far as to report a large quantity of arms to have been landed—a company of soldiers was marched to the spot, the powder seized, other property broken into with the expectation of encountering munitions of war, and, although nothing more was found, and they must have been immediately satisfied that the matter was simply a smuggling operation on the part of some one who knew that powder bears a high price and meets with ready sale, yet to vent malice, or pique, or some other bad passion, they seized two Americans, (the only ones near the location,) took them from their beds, bound them back to back, with their arms pinioned so tightly together that the blood started through the flesh in various parts, and kept them seated astride of a log in this manner for near twelve hours, frequently during the time having a pistol placed at their heads by their captors; these two men were at work for me, one in the capacity of cooper, the other as carpenter, (the latter came passenger in the *Eolian*.) They were at the expiration of this time untied, placed on horseback, and conveyed some thirty miles in the interior, to Villa Clara, and there imprisoned in *solitary* confinement. They were examined at the end of a week, being questioned as to what they knew concerning the powder, and one of them, a youth of 18, (Clement Bletcher,) suffered to go at large—the other was detained, I believe from the fact that a pistol and some powder were found in his trunk—he is still in prison—the arrest took place on the 28th of January. A Frenchman in employ of the estate of my father-in-law, two negroes, and the manager of the estate, an American, were also carried off and imprisoned, but at the expiration of a week were released, with the exception of the Frenchman. The day but one following these circumstances, and while I was ignorant of them, being in Sagua, and distant some thirty miles from the scene, (which is at Granadillo, a landing place for our sugar estate, and a few others,) I was arrested, my premises searched, my papers all sealed and taken from me, and myself ordered to remove to the house of a friend, who was looked to as responsible

for my appearance when called for. The orders under which I was arrested, were to place me in close confinement, without the power of communicating with any one; and being in the hands of those who knew me, a liberal construction was put upon them. Next, the vessel was boarded, and the master and crew examined; nothing was found of a suspicious nature, and no developments were made. The captain, however, was ordered to present himself before the authorities of the town of Sagua, which he did, and being examined under oath, acknowledged having brought the powder as a matter of private speculation, and unknown to me, or to any one else. He was then ordered to sign a paper, agreeing not to leave until a decision upon the matter could be arrived at, and allowed to go on board of his vessel. My papers and letters were all read—a work of some days—the bulk of them relating to lumber matters in Boston, and nothing found connecting me with the gunpowder plot. A document was then signed by the judge, the scribe, and the interpreter, to the effect that not a sentence had been encountered among my papers relating to politics—this was not given me, but preserved with other documents of my examination. Still my papers are unreturned, although I have made a most humble petition to the effect that I am suffering great prejudice from the retention of certain accounts current, invoices, &c., and praying for the use of these if no more—neither am I yet allowed to go out of the town—as a long time has elapsed since the conclusion of my examination (about three weeks) I see no prospect of liberation. The captain of the vessel, finding, after waiting some time, that he might be subjected to a heavy fine, or possibly the loss of his vessel, decided to leave without asking for papers or permission to do so; he accordingly got under way at mid-day, and although chased by a custom-house vessel, easily sailed out of the harbor without being overtaken.

The whole cargo of this vessel, worth about \$5,000, and belonging to me, is embargoed, and going to ruin. My prospects, which a month ago were flattering, are prostrated; my business would have been worth to me this season at least \$5,000, and now my hands are tied. I have appealed to our consuls at Havana and Trinidad—to the latter long enough since to have procured my own release and that of the American imprisoned, if his influence had availed. I have now only to hope for the interposition of my own government. I have forwarded a protest on my own part and that of the man released, sworn to before the American vice consul here, to my father, begging him to present it with all the influence he can exert, before the Executive; and now I appeal to you, my dear sir, that if you can forward my cause, through any members of Congress or other means, that you will not fail to do so. My claim is, as an innocent man, to be released from arrest, my papers and property restored, and for damages to the amount I have suffered, as also, on behalf of the two men (Americans) in my employ, and the release of the one yet in prison, and who, I have no question, will be kept there until demanded by the American government.

I have this day made a solemn protest, in Spanish, before the public notary here, against my present detention, and the non-release of my papers, claiming damages of all whom it may concern for the loss and

rejudices I am suffering. This I shall forward to General Campbell, or consul in Havana. Will such proceedings be overlooked by our government after the strong position General Taylor has placed himself, to demand right from others by allowing no wrong to be attempted against them? I have not heard of so unnecessary and unprovoked an outrage upon the rights, the liberty, and property of foreigners for many years as this has been. To seize men solely because they were Americans, and after ascertaining that their fears were groundless, refusing to make what reparation then lay in their power, or at least to let them go, and not ruin them entirely. Mr. Phinney writes me to forward descriptions and all the facts in the case to the American government, and endeavor to have some prominent member of Congress take hold of the matter and press it at once, laying claim for damages to myself to the amount of \$50,000, and that of the two mechanics at \$5,000 each. He thinks the American government are bound, by every sentiment of justice, to demand reparation.

General opinion here, among foreigners who have witnessed the commission of former outrages upon Americans without any notice being taken of them by their government, is, that this affair will scarce excite any comment, and the sufferers will receive no redress; but my own opinion is, that the line of policy marked out by the United States in intercourse with other nations, has very much changed within a few years, and that especially in regard to Cuba, where so many of her citizens resort, and upon which so much attention has been turned of late, no high-handed abuse upon the personal liberty of Americans will be submitted to. God speed the right.

Sincerely yours,

JAMES H. WEST.

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*Mr. Clayton to Mr. King.*

DEPARTMENT OF STATE,  
Washington, March 13, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, with the accompanying papers relating to an outrage, alleged to have been perpetrated without any cause, upon James H. West, and other American citizens, at Sagua la Grande, in Cuba. The case to which these papers refer excites much interest, and I have to assure you, that, when the authentic documents promised shall be presented, they will engage the immediate attention of the Executive.

I am, sir, very respectfully, your obedient servant,

JOHN M. CLAYTON.

Hon. GEORGE G. KING,  
*House of Representatives.*



No. 16.

*Mr. Barringer to Mr. Clayton.*

[Extract.]

LEGATION OF THE UNITED STATES,  
*Madrid, May 2, 1850.*

SIR: I have the honor to acknowledge the receipt of your dispatch of the 1st ultimo, marked No. 15, but supposed to be No. 16, as the former number had already been received and acknowledged by me.

As soon as possible after the receipt of your last communication, I addressed a note to her Majesty's government, demanding the discharge of the American citizens mentioned in your dispatch, and then supposed to be confined under arrest by the local authorities in the island of Cuba, the restoration of the papers and effects of Mr. West, and full, and satisfactory indemnification for their pecuniary and personal sufferings, and also efficient security against similar abuses for the future.

In a matter of so much importance to both nations, and on a subject in regard to which the Spanish government always evinces so much sensitiveness, I deemed it advisable to follow as near as possible the language of your instructions.

A full and correct statement of facts in reference to their arrest and detention, made out from the accompanying papers, was transmitted with my note; a copy of the latter is herewith transmitted.

No reply has been received at this legation. \* \* \*

I have the honor to be with the highest respect, your obedient servant,  
**D. M. BARRINGER.**

HON. JNO. M. CLAYTON,  
*Secretary of State.*

LEGATION OF THE UNITED STATES,  
*Madrid, April 26, 1850.*

SIR: I have the honor to transmit herewith to your excellency a statement of facts relating to a case of imprisonment and hardship, inflicted by the Spanish authorities on the island of Cuba in the latter part of January last on three American citizens, *James H. West*, of Bristol, State of Rhode Island, *Clement L. Blethen*, of Phillipsburg, State of Maine, and *Edward Reed Lambden*, of Philadelphia, under an alleged charge of having been concerned in smuggling gunpowder into the island of Cuba, with political designs; in which crime, however, they, one and all, deny any participation.

It will be seen that two of them are supposed to be yet in confinement, or under arrest, and that all have been great sufferers from the injuries and indignities inflicted upon them. It is my duty to bring these facts to the notice of her Majesty's government, to the end that full and immediate redress may be rendered to the parties interested, and also that proper and efficient measures may be taken by

her Majesty's government to prevent similar abuses and wrongs to American citizens for the future.

In reference to the cases of the individuals already named and referred to in the accompanying statement on their behalf, by direction of the government of the United States, I am required to demand that instructions on the part of her Majesty's government, be given for the discharge of those who are imprisoned, and the restoration of the papers and property of Mr. West; and that full and satisfactory indemnification be made for the pecuniary and personal sufferings of each of the said parties, under what is apparently an unjust and wanton outrage on American citizens residing with passports and the usual permits in the said island.

The undersigned is convinced that it is only necessary to bring the facts to the knowledge of her Majesty's government, to secure prompt and efficient action in whatever the justice and exigency of the subject may demand.

In regard to the demand of security against similar conduct for the future, your excellency will readily perceive the necessity of instructions from her Majesty's government to its officers in Cuba, to treat with more kindness and consideration innocent citizens of a nation whose government has given to Spain so many proofs of friendship, and the great influence which cases of this and like character must necessarily have on the citizens of the United States, to fill them with aversion against a country, many of whose officers seem to seize with eagerness every opportunity to ill treat American citizens. I trust there is no reason to believe that they have been encouraged in these wrongs by perversely construing a recent act of national justice and good faith on the part of my government towards that of Spain, into a disposition to tolerate and connive at any acts of injustice to its own citizens.

I am instructed by the President to say, that he has no desire to shield real offenders against the laws of Spain, under which they have voluntarily placed themselves, from deserved punishment, but he is resolved that no unjust oppression and persecution shall be practised against American citizens, pursuing their peaceable business, with the permission of the local authorities, in the colony of a friendly country.

Your excellency has too correct an appreciation of national dignity and honor, not to know that a government always most ready to do full justice to others, is equally bound and ever prompt to maintain the rights of its own citizens.

The undersigned avails himself of this occasion to reiterate to your excellency the assurances of his most distinguished consideration, and to remain your obedient servant,

D. M. BARRINGER.

His excellency the MARQUIS OF PIDAL,  
*Minister of State, &c.*

*Mr. Clayton to Mr. King.*

DEPARTMENT OF STATE,  
*Washington, May 14, 1850.*

SIR: I have the honor to acknowledge the receipt of your communication of the 13th instant, and to inform you that no further intelligence has reached this department respecting Mr. James West and his sufferers at Villa Clara, since the interview I have had with the Rev. John West on the subject of his son's complaint against the Spanish authorities of Sagua la Grande. You will perceive by the enclosed copy of my instructions, No. 16, dated the 1st of April last, to Mr. Barringer, our minister at Madrid, that this department has availed itself of all the materials within its reach, to bring the case of Mr. West and his companions to the notice of the government of Spain, and to protest against such injurious treatment of our citizens.

I am, sir, &c.,

JOHN. M. CLAYTON.

Hon. G. G. KING, *House of Representatives.*

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No. 17.

*Mr. Barringer to Mr. Clayton.*

LEGATION OF THE UNITED STATES,  
*Madrid, May 16, 1850.*

SIR: In addition to the enclosure which accompanied my last dispatch, on the subject of the arrest and ill-treatment of three American citizens in the island of Cuba, I have the honor to transmit herewith a copy of the statement of facts, marked F, on which my first note to the Spanish government was founded, as drawn from the papers heretofore furnished me by the Department of State; also copies of my notes of the 8th and 10th instant, marked A and D, and of his to me of 6th, 8th, and 15th instant, marked C, B, and E, with their translations, which embrace all the correspondence I have had with her Majesty's government on this subject, to the present date.

You will observe that the minister of state, in his communication dated the 6th instant, says that information has been sought from the captain general at Havana, as to the facts alleged. For the present, therefore, I will await, during a reasonable time, the answer to the inquiries which have been instituted; and in the meantime, I will be happy to receive any new facts and proofs which the Department of State has obtained, or may be able to procure, in regard to any of the parties arrested; and also any further instructions and suggestions which it may be your pleasure to give. The importance of having full and accurate information on every point connected with a subject of so much delicacy and moment, both to the government and individuals concerned, must be obvious to you. The correspondence, thus far, will inform you as to the different issues between the minister of state and myself.

Assuming the statement of facts to be true, he insists it is not a case proper for the reclamations demanded by me, except for the excess

which may have been practised in the execution of the law, by Cuban officials against some of the parties, while I maintain that, as there is no ground of suspicion, much less proof of crime against any of those who claim our protection, their arrest and confinement, much more the violence used upon them, was a wanton outrage against them, justly demanding the interposition of the American government.

I have the honor to be, sir, with the highest respect, your obedient servant,

D. M. BARRINGER.

JOHN M. CLAYTON, Esq.

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A.

LEGATION OF THE UNITED STATES,  
Madrid, May 8, 1850.

SIR: On the 26th ultimo I had the honor to address to your excellency, a communication on the subject of the arrest and imprisonment of three American citizens by the local authorities of the island of Cuba.

I have received no reply to the same. Your excellency will readily perceive that the nature of the subject requires prompt attention to render the interposition of her Majesty's government effectual, if it be its purpose to interpose at all.

I desire to be informed, therefore, what action, if any, has been taken in the matter.

I avail myself of this opportunity to renew to your excellency the assurances of my most distinguished consideration.

I remain your obedient servant,

D. M. BARRINGER.

His Excellency, MARQUIS OF PIDAL,  
Minister of State, &c.

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F.

*Statement of facts concerning the treatment of certain citizens of the United States by the authorities of the government of Spain, in the island of Cuba.*

Early in January of the present year, the American brig *Eolian*, Captain Jordan, master, from Boston, arrived at Sagua la Grande, in Cuba, consigned to Mr. James H. West, an American citizen, resident at that place.

He had on board a cargo consisting of the frame and other materials for erecting a store-house, lumber, shooks, hogsheads, etc., and proceeded immediately to discharge the same at a point near *Sagua la Grande*, called *Granadilla*, where the merchandise of several neighboring estates is usually discharged.

When this operation was nearly accomplished, there were discovered in a shed near Granadilla, about twenty kegs of gunpowder, and a number of small cannisters of the same.

Two Americans were at work at the time upon the lumber brought by the *Eolian*, near the shed, one of whom, Clement L. Blethen, of Phillipsburg, in the State of Maine, a carpenter, had come out as a passenger in the brig, under contract to labor in erecting the storehouse; the other, Edward R. Lambden, a cooper, also an American, was laboring at his trade, and both were in the employ of the said West, having taken out the usual passports, given bonds for good conduct, as is the custom, and received permission from the proper authorities to reside in Cuba, and being at that time in the peaceful exercise of their lawful industry.

On the discovery of the powder, these men, at ten o'clock of the night of the 28th of January, were seized in their beds by persons acting as officers of the government, and without any explanation of the cause, their arms were tied behind them, and they were lashed back to back to each other and kept in that condition the entire night, blood oozing from their flesh beneath the cords.

At nine o'clock of the next morning, they were untied, placed on horseback, and conveyed under a guard to the town of *Villa Clara*, thirty miles distant in the interior, and there put in close confinement.

Officers were then sent to the estate of which Mr. West was the financial agent, where the administrator of the estate, Mr. Emerson, also an American citizen, was seized, with two of his laborers, and likewise conveyed to prison at *Villa Clara*.

Captain *Jordan* of the *Eolian* was also arrested; but after avowing himself as the *only* person interested in the said gunpowder, and that the same had nothing to do with political designs, but was a mere smuggling adventure, he succeeded in getting on board his vessel and proceeding to sea, where he was pursued but not overtaken.

Mr. James H. West was arrested on the thirteenth day of January, his papers and his property seized, and his business stopped; but as no suspicious articles were discovered amongst his merchandise, (such as arms or gunpowder,) he was permitted to go at large within the limits of the town of *Sagua la Grande*, his papers and property being retained.

These papers consisted of business documents and letters of a friendly and business character, extending through a period of several years, which being subjected to the strictest scrutiny for nearly a week, were found to contain not one word bearing any possible political construction.

This examination being concluded, the judge having it in charge declared and certified that nothing had been discovered to implicate him (Mr. W.) in any political designs, (this being the sole cause of suspicion and arrest,) but informed him, nevertheless, that he could not be discharged from arrest, nor restored to the possession of his papers and property, till orders should be received from higher authority.

Meantime the said Blethen, carpenter, was kept in solitary confinement for three days, at *Villa Clara*, and then taken out and examined as to the time and manner of his arrival at *Granadilla*, and the nature of his employment, after which he was again remanded to prison.

where, in the same room with his companion, Lambden, and a Frenchman, arrested at the same time, he underwent a further imprisonment of three days; after which he was taken out and examined as to what he knew about there being powder at Granadilla, to which he truly answered, that he knew nothing, whereupon he was discharged.

Edward R. Lambden, the cooper, arrested and imprisoned in the same manner as the said Blethen, was, on the 5th day of March last, and is still supposed to be, kept in close confinement in the jail at Villa Clara, and not being permitted to communicate his sufferings, the same has been done for him by the said Blethen.

Likewise the said West was, on the 5th of March last, and is now supposed to be kept under arrest, within the limits of the town of Sagua la Grande, his property sequestered, and his papers not restored.

The amount of injury thus inflicted upon a number of American citizens cannot readily be estimated.

The personal outrage and suffering which they have undergone, torn suddenly from their peaceful pursuits lawfully engaged in, and in two instances tortured with cords and closely imprisoned, whilst innocent of all criminal acts or intentions towards the government of Cuba; this injury it is hard to estimate.

Some idea may be formed of their pecuniary losses from a consideration of the circumstances.

Mr. West had lately arrived at his residence in Sagua la Grande only in season to accomplish his design of erecting buildings for storing the produce of a sugar estate and facilitating its shipment.

Mr. Emerson, the administrator of the estate, was waiting only for the operations confided to the department of Mr. West, to commence the transportation of the whole year's produce from the estate to the landing. The time during which this operation must be accomplished is very short, and every day's delay involves a serious loss.

At such a critical moment, the administrator was torn from the estate, the financial agent put under arrest, his books and papers taken out of his possession, his property seized, his materials for building exposed and scattered under a burning sun, his laborers imprisoned, his business prostrated, and charges and expenses to a great amount heaped upon him, in addition to the prospect of irretrievable losses occasioned by the delay of his whole year's operations.

The above brief statement of facts is drawn from official and other reliable documents, now in the possession of this legation.

MADRID, April 25, 1850.

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FIRST BUREAU OF THE OFFICE OF STATE,  
Palace, May 8, 1850.

SIR: The note which I remitted to your excellency this morning, being written and signed, I received that which, upon the same subject, and expressing surprise at the delay in the reply, your excellency was pleased to send me with the date of to-day.

Before replying I have been obliged not only to acquaint myself with,

whether there were or not antecedents of the subject in question, but also to fix my opinion upon the demand of your excellency, and upon the terms in which it came conceived—for all which the ten or twelve days past are not excessive—and that, too, in the midst of the accumulation of business and occupations which naturally surround me; your persistency for a writing appears to me, in view of this, motiveless; in any case the only action which the government could take has already been taken for some days, and in that I have given, in my opinion, a new proof of the consideration and the good faith with which I desire international subjects may be treated with friendly nations and with their representatives.

I approve this occasion, &c., &c.,

PEDRO J. PIDAL.

To the MINISTER PLENIPOTENTIARY OF THE U. S.

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[Translation.]

FIRST BUREAU OF THE OFFICE OF STATE.

*Palace, May 6, 1850.*

SIR: I have carefully read the note of V. S., dated 25th ultimo, in relation to the imprisonment of Mr. West, Mr. Blethen, and Mr. Lambden, citizens of the United States, which took place in the island of Cuba, at the first of this year under accusation, according to your excellency, "of participation in the fraudulent introduction of powder into the said island with political designs."

I will say now to your excellency that H. M. government has received no communication from the authorities of the island upon this occurrence, and that, on this account, I ought to suppose that the affair has been considered by those tribunals as of an ordinary nature; that the case will pursue its legal course, and that no account will be given of it to the supreme government, unless the final result may be worthy of raising it to notice of her Majesty.

But the Spanish government, desirous, in view of the note of V. S., to know, with exactness, the facts to which it alludes, has directed information to be instantly sought from the captain general of Havana, which was done by the mail of to-day; and, pending this, I can assure V. S. that if, from the investigation which will take place, it shall result that the Spanish functionaries have over-stepped the sphere of their legal powers—using, towards the accused, a severity not authorized by the laws—the government of her Majesty is firmly resolved to inflict upon those, who may have thus abused their position, all the rigor of justice; in order to give, in this manner, a public testimony of its rectitude, and to offer to those aggrieved, and to their government, that reparation which Spain, in her turn, would be disposed to claim in like circumstances.

Here I might finish my response, since the state of the business neither permits me to do nor to say more; but the vehemence, and the unusual warmth with which the demand of your excellency is conceived, obliges

re to enter into some expositions which will be, perhaps, profitable, in order that there may not be given mistakenly to this matter a character which, in my judgment, it is very far from possessing.

Your excellency will excuse me, first of all, if I say that the demands contained in the note, to which I have the honor to reply, do not seem to me to be in harmony with the very statement of facts upon which they are founded.

From the statement presented by your excellency, which I repeat is the first that has come to the notice of H. M. government upon this affair, there appear several facts to which I ought to call your excellency's attention.

1st. It appears that there has been fraudulently introduced into the island of Cuba a considerable quantity of gunpowder, which, in itself, constitutes a crime according to the laws of the country; and furthermore, the very strongest indication of complicity with those who, within and without the island, conspire to overturn the established order of things—making themselves guilty of the crime of rebellion.

2d. That the powder was taken to Cuba by one of those proceeded against, a citizen of the United States, according to the declaration of the delinquent himself.

3d. That the powder was transported in a vessel whose cargo was consigned to another of those proceeded against, also a citizen of the United States.

4th. That the same powder was discharged and hidden in the habitation or shed of this same defendant; and

5th. That those Anglo-Americans, who aided in discharging it, must have contributed, in greater or less degree, to the fraud and crime.

These facts established, which all result from the statement presented by your excellency, I cannot do less than manifest to you that the judicial authority of the district would have incurred a grave responsibility if it had not proceeded immediately to institute the primary inquiry of the offence in the form which the laws provide, and to proceed against those who should appear to be accomplices or authors.

The laws of all civilized countries establish that, as soon as it is known that a crime exists, steps may be taken to make it evident judicially to investigate it, and to chastise its authors.

Those of Spain authorize the judge for this purpose to arrest every person against whom strong suspicions may appear of having had any participation in the offence which is prosecuted; and, according to the result of the first declarations and investigations of the primary process, so the suspected person may remain confined to the city and its limits—may be subject to bail, or in complete liberty.

The facts bring known, then, and also what the laws of Spain prescribe with respect to them, your excellency will easily perceive what ought to be the conduct of the Spanish authorities in the present case. An act highly criminal has been committed. This act, aggravated by a multitude of circumstances, which your excellency cannot be ignorant of, has been committed by an Anglo-American; there are the strongest suspicions that some others of his countrymen may have had participation in it; the local authority has proceeded in conformity to the



laws to imprison those suspected, as it would have proceeded if they had been Spaniards. By consequence, if this is so, as in substance appears from the statement presented by your excellency, the demand which is founded upon that statement cannot be tenable, except in what relates to the illegal and gratuitous severity, which, according to the narrative remitted by your excellency, has been used towards some of the accused; concerning which, I repeat to your excellency that, the facts being ascertained, the government of her majesty will put in execution the severest justice and the proper reparation.

For the rest, your excellency will excuse me the signification of my doubts upon the exactness of the narrative which you have remitted to me. I judge that too much credit has been given to the relation made by private and interested individuals, and that actually it ought to be qualified as exaggerated in many points, among others, where it is complained that their property has been confiscated; this cannot be a fact, the laws of Spain prohibit confiscations, and, at all events, it never could have been decreed, except in the final sentence, from which stage the case must still be far distant.

But leaving these considerations, I cannot do less than call the attention of your excellency to the importance which the authorities of the island must necessarily give to the fact of the fraudulent introduction of so great a quantity of gunpowder, seeing, as they do see, organized in the United States a perpetual conspiracy against the island of Cuba.

The government of the confederacy indeed, has seen itself obliged not long since to repress in its own territory the attempts of invasion against the island, and it cannot therefore wonder that the authorities of the country menaced proceed against the aggressors and take measures to discover them and punish them by the means which the laws establish. And the government of Spain does not expect, (since that of the United States has declared in a solemn document, which has received so much applause from the civilized world, and so much acknowledgment from Spain, that it would not lend its protection to those who should compromise themselves in such criminal enterprises,) that it will seek now to interpose its mediation in favor of those who *may* turn out guilty, without more foundation than the passionate relations of the interested persons themselves.

The government of her Majesty flatters itself that, in view of these observations, your excellency will perceive that the business is not yet in a state to afford a shape to any formal reclamation.

The terms in which your excellency concludes your above mentioned note fortify it in this persuasion, for if the respectable President of the United States allows, as he cannot but allow, that the citizens in question are legally subject, as are all foreigners, to the criminal laws and jurisdiction of the country in which they transgress, it is clear that there can be no claim on account of the proceedings which are prosecuted against them, so long as these are in conformity with what the laws prescribe.

Now, if in anything they (the laws) have been **disregarded**, the Spanish government is determined to repress, with a **strong hand**, the

excess, both because such is its duty, and because in this particular case, proportioned to the fulfilment of one of its most sacred obligations would be the satisfaction of gratifying in its just demands a friendly nation.

I approve, &c., &c.

PEDRO J. PIDAL.

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D.

LEGATION OF THE UNITED STATES,

*Madrid, May 10, 1850.*

SIR: I had the honor on the 8th instant, to receive your excellency's communication dated the 6th of the same month, in reply to mine of the 26th ultimo, on the subject of the imprisonment of three American citizens in the Island of Cuba.

Previous to the receipt of your excellency's communication, I had supposed that some notice of the occurrences referred to had been given to her Majesty's government by the local authorities. But it may be, as your excellency suggests, that they regarded the affair as of an "ordinary nature" (*naturaliza ordinaria*) and that no account of the same will be given through that channel to the supreme government, unless the result of the matter may, in their opinion, make it "worthy of being raised to the notice of her Majesty."

I trust there is no reason to believe that transactions of this kind are of such frequent occurrence in that part of her Majesty's dominions as to render them "ordinary" in their nature, according to the judgment of the local tribunals.

I can, however, assure your excellency that whatever be the opinion of the local authorities as to the character of such proceedings, or whatever their purpose of informing the supreme authority only in such cases as they may deem worthy of her Majesty's notice, the government of the latter will not fail to be duly notified of the same by that of the United States, as often as it shall have reason to believe that the just rights of its citizens have been violated, and as long as it is able to cherish the hope that reparation may be obtained by peaceful negotiation, and the usual means of redress between friendly nations.

It is unnecessary to remind your excellency that this hope is sincerely entertained from the good offices and friendly dispositions of her Majesty's government; and that no reparation for injuries or violations of right will be demanded in this, or similar cases, which the government of the federal Union would not most promptly and cheerfully extend to Spain, under like circumstances.

I am pleased to learn from the reply of your excellency that steps have been taken by the Spanish government to inform itself correctly of the facts on which my demands of the 26th ultimo were based. And, on behalf of my government, I must be allowed to express my grateful sense of the pledge given by that of her Majesty, that if it shall appear from the information sought, (and I trust I may add in *any other way*,) that the Spanish functionaries in the island of Cuba

have exceeded the limits of their rightful authority, "using towards the accused severity not authorized by the laws," the government of her Majesty is resolved to inflict the most rigorous justice on the transgressors, and to tender to those who may have been aggrieved, and to the government which is bound to protect their rights, the fullest reparation in its power, and which it would desire from others in similar circumstances.

This assurance having been vouchsafed to me by your excellency on behalf of her Majesty's government, and steps having also been taken to be informed in regard to the facts in dispute, (which no one will be more happy than myself to learn, may turn out, according to the opinion of your excellency, to be less censurable than I now believe them to be.) I might here close, in this stage of the business, whatever observations it would have been my duty to make, under ordinary circumstances, in answer to the communication of your excellency.

But your excellency has been pleased to comment, both on the nature of the demands made by me in my communication of the 26th ultimo and on the statement of facts which caused and accompanied it, in a manner that makes it necessary that I should offer some remarks in reply, both for the purpose of preventing further misconception, and correcting the errors of fact into which your excellency (no doubt inadvertently) has fallen, as well as to expose the untenable deductions which have been made from the premises thus erroneously assumed.

With one so learned, both in matters of law and diplomatic procedure, as your excellency is known to be, I will not controvert the propriety or the necessity of the comments you deemed it your duty to make.

I had supposed, however, that in acknowledging the receipt of my note of the 26th ultimo, your excellency, without prejudging the facts on which the application was founded, would have been content with stating that her Majesty's government, desirous to give proof of good faith and friendship for that of the United States, had directed the proper inquiries to ascertain the truth of the allegations on which the demand was founded, and with giving a simple and prompt pledge on its behalf, that if they were found to be such as they were represented, or such as deserved, in any way, the notice and reparation due from one friendly nation to another, sufficient and satisfactory action would be taken in whatever the justice and exigency of the case might require. This would have been sufficient, at least, in the present state of the question. The interference of her Majesty's government was not insisted on or expected, except on condition of the *innocence* of the persons accused, and whose release and indemnification are demanded by the government of the United States; or until it was satisfied, that if any of them were guilty, (which is denied as the facts now appear,) the local authorities had wantonly abused their power in the infliction of unnecessary violence and severity of treatment upon the accused.

Your excellency observes that the demands are not in harmony with the statement of facts on which they are founded. It is well to recur to the requisitions of my note of the 26th ultimo. The demand is, *first*, for the release of those who may be still under arrest, or in confinement, for the restoration of the papers and property of Mr. West, one of the

accused, and ample reparation to each of the said parties for their personal and pecuniary sufferings, under what is, apparently, an unjust and wanton outrage on American citizens, residing with passports, and the usual permits, in the island of Cuba; and, *secondly*, for security against similar conduct and abuses for the future. That this whole demand ("reclamation") is based on the supposed innocence of the parties interested, and the severity and cruelty practised upon the accused is most manifest from the entire tenor of the note.

There is the fullest assurance that, whilst the President is resolved that no unjust oppression and persecution shall be practised against American citizens, pursuing their peaceable business, with the permission of the local authorities, in the colony of a friendly country, he has no desire to shield real offenders against the laws of Spain from deserved punishment.

There is this wide difference, then, between your excellency and myself. My demand is made on the supposition of the *innocence* of the parties charged.

Your argument is drawn from the assumption of their *guilt*; or, to say the least, of suspicions of their participation in the offence of smuggling powder into the island, sufficiently strong to justify the proceedings which have been had against them.

It is not enough that this article was fraudulently introduced, there must be either proof or "*strong suspicions*," that the parties accused, and for whom reparation is asked, should have participated in the offence to authorize their arrest, much more their ill-treatment and long confinement.

Now, how do the facts appear? The very statement to which we both refer explicitly exonerates the three Americans in question from all knowledge, much more from any improper connection with the offence. It expressly declares that Captain Jordan, of the brig *Eolian*, avowed *himself* as "the only person interested in the gunpowder, and that the same had nothing to do with political designs, but was a mere smuggling adventure."

There is not the slightest proof of any agency on the part of Mr. West, Mr. Blethen, or Mr. Lambden, in this act of smuggling, much less of doing the same with *political designs*—the crime for which they were arrested and confined.

One was a carpenter, who had gone out under a contract to work at his trade. Another was a cooper on the island at the time; and all were actually engaged at their respective avocations, under the usual permission from the Cuban authorities. In regard to Mr. West, it moreover appears, that, after having undergone a most searching and prolonged examination, both as to himself and his papers, the judge having it in charge, declared and certified that nothing had been discovered against him, but that he could not be discharged from arrest without orders from higher authority.

The first two assumptions of your excellency, that powder was smuggled, and that it was taken to Cuba by a *person accused*, a citizen of the United States, are therefore inapplicable to the matter in hand, unless such facts, in the judgment of the local authorities, are allowed by your excellency to be sufficient to justify the arrest of *any* Anglo

American in Cuba, under the pretext of "complicity with those who, within and without the island, conspire to overturn the established order of things."

The third assumption, that the powder was transported in a vessel whose chief cargo was consigned to Mr. West, affords no ground of accusation against him, when it appears, not only that he was ignorant of the fact of such transportation, but that another person avowed himself as its sole author.

The fourth assumption, that the same powder was discharged and hidden "in the habitation or shed of this same defendant," is not warranted by the statement.

Besides, Granadilla is the usual landing for the merchandise of several neighboring estates.

The fifth assumption and the inference drawn from it by your excellency, are equally inadmissible, for it does not appear that any Anglo Americans, much less either of the *three*, for whom indemnity is now claimed, either aided in the discharge of the powder from the vessel, or contributed in the slightest degree to the fraud and crime of which your excellency speaks.

I readily agree that, by the general rule of international law, foreigners are subject to the criminal laws and jurisdiction of the country in which they may transgress.

But then there must be some evidence, some well-grounded suspicion of guilt.

It surely will not be considered as either just or wise to suspect and arrest all Anglo American citizens in a particular vicinity, because one admits himself as the *sole* author of a crime which may have been committed in that neighborhood.

Much less would it accord with either national justice or sound policy, that because the authorities in the Island of Cuba see, as your excellency remarks, or *fancy* they see, as I may be allowed to add, "a perpetual conspiracy organized in the United States against the island of Cuba;" they have a general discretion to establish a system of espionage, seizure and unlawful detention of American citizens, to discover, if possible, any proof of connection with this supposed conspiracy, or the alleged "crime of rebellion" against the Spanish crown.

Your excellency is equally unwarranted in assuming, from the statement which accompanied my note, that "too much credit had been given to the relation of private and interested individuals," and that my government has "no more foundation than the passionate relations of the interested persons themselves," for the course it has adopted or may think proper to pursue.

As illustrating the exaggerated accounts, which your excellency imagines may have been given by the parties themselves, it is said that they complained that their property was confiscated, ("*confiscando*.")

The allegation was that the property of Mr. West was "*sequestered*," (*sequestrado*,) and his papers not restored.

While I agree that judicial "confiscations" cannot take place except in a final decree, your excellency must be well aware that "*sequestration*" is only the incipient step which may end "in *confiscation*."

But, waiving all controversy about the technical accuracy of language employed in a statement which was intended only to give the truth substantially and fairly, it is as charitable to suppose that, in furnishing information for the use of his government, an individual unlearned in the technical niceties of legal diction may have been mistaken in the use of a particular word, as that your excellency or myself might, intentionally, in a translation of a foreign language, give to a single expression more than its legitimate signification.

Your excellency need not fear that the government of the United States will interpose its mediation in favor of those who may prove to be offenders against the laws of Spain.

It well knows, and will fully perform its whole duty towards a friendly power.

The "respectable" President to whom your excellency refers, having done entire justice to others, expects the same to be extended to his government, and its own citizens entitled to its protection.

It must be obvious to your excellency that the *duty* of Spain is her highest *policy*, and that very just cause of complaint should be removed from a people whose position naturally brings them in such frequent intercourse and constant contact with the inhabitants of her West India possessions.

I will add nothing more to my previous statement, in regard to the cruel treatment and excessive violence inflicted upon the accused after their arrest and confinement, in which some of them remained till the 3d of March, and may, for aught that appears to the contrary, still be imprisoned.

Nor will I, in the present state of the business, offer any remarks on the total failure of your excellency to reply to that part of my note which seeks assurance and security against similar abuses for the future.

Your excellency will excuse me for saying, in conclusion, that I am not aware of having felt or exhibited any "vehemence or unusual warmth" in this matter.

If I have shown some earnestness, and perhaps impatience, it arises from the character of the subject itself, and the deep interest which is naturally felt by a government and people who most highly appreciate the liberty and personal rights of the citizen in every case of injustice and oppression.

Your excellency may rest assured it is not from any want of due respect for yourself or her Majesty's government, which you so worthily represent, that I have spoken earnestly upon this subject.

I approve this occasion to renew the assurances of my most distinguished consideration, and have the honor to be, your excellency's obedient servant,

D. M. BARRINGER.

His excellency THE MARQUIS OF PIDAL,  
*Minister of State, &c., &c.*

[Translation.]

FIRST BUREAU OF THE OFFICE OF STATE,  
*Palace, May 15, 1850.*

SIR: I have received the note of your excellency, dated the 10th of the current month, in reply to the observations which it appeared to me expedient to direct to you on the 6th of the same month, in order to show that, through a misunderstanding, or through any error of fact or misconception of right, there should be given to the proceedings of the authorities of the Island of Cuba, in the matter of which these communications treat, a character, which in my judgment, they were very far from possessing; and although I see from the contents of your excellency's communication, that neither the spirit nor the idea which presided over the composition of the above mentioned note of this department, has been sufficiently well understood, upon the whole, as whatever is expressed in that remains in all its force and vigor, and as I shall be excused after what has been said from entering into a more extended discussion until the information sought at the Havana arrives, I confine myself for the present to acknowledging the receipt of the aforesaid communication of your excellency, and to repeating the assurances of my most distinguished consideration.

PEDRO J. PIDAL.

The MINISTER PLENIPOTENTIARY of the United States.

*Mr. Clayton to Mr. King.*

DEPARTMENT OF STATE,  
*Washington, May 27, 1850.*

SIR: In addition to the information forwarded to you with my letter of the 14th instant, I have now the honor to transmit a copy of a dispatch from our consul at Havana of the 16th instant, which you will perceive contains further intelligence respecting the imprisonment of Mr. West and Mr. Lambden, at Villa Clara, in the Island of Cuba, &c.

I am, sir,

JOHN M. CLAYTON.

Hon. G. G. KING,  
*House of Representatives.*

*Mr. Campbell to Mr. Clayton.*

CONSULATE OF THE UNITED STATES,  
*Havana, June 10, 1850.*

SIR: I have the honor to enclose herewith a copy of a correspondence with Mr. James H. West, of Sagua la Grande, and a copy of a letter from the "Intendente" in reply to my letter of May 16. It is not forwarded with the expectation that it can essentially serve Mr. West, but to relieve myself from the effects of an insinuation of Mr. West's

at I was prejudiced against his case, and had not done all which could have been done.

When I received Mr. McLean's letter, which I considered my first and only authority for officially interfering in the affair, the trial had been pending for months. I could neither arrest or annul proceedings, could only complain of delay, and urge a prompt decision on the case; my letter induced the "intendente" to write to Principe, where the case was pending, and hasten a verdict; although that verdict has appointed Mr. West, I have no authority or right to go to Principe for the purpose of appeal.

I regret the necessity of troubling you with anything personal to myself, and my unwillingness to remain under the suspicion of not giving official justice to Mr. West is my only apology.

The friends of Mr. West appear to think it the duty of the American Government to see that he is indemnified for injuries and damages incurred and to accrue.

With great respect and esteem I have the honor to be, sir, your most obedient servant,

ROBERT B. CAMPBELL.

Hon. JOHN M. CLAYTON,  
*Secretary of State, Washington city.*

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SAGUA LA GRANDE, May 30, 1850.

DEAR SIR: I have written to Mr. McLean to-day, and beg leave to inform you of the substance of my communication, viz: that a decision has been rendered in my case to the effect that I pay a multa of \$4,000 for being concerned in the importation of the powder by the Eolian, but until payment of this sum, the cargo of said vessel shall remain restricted, and myself under arrest; I have declared myself unable to pay this fine, and am under apprehension of being placed in close confinement in consequence; I have been *proved* to have been not only innocent of the importation of the powder, but ignorant of it, and I cannot think that any law will warrant such a course of proceedings as has been held against me; I fear that you have been led into some wrong impressions in regard to the particulars of my case, as I cannot but think that otherwise you would have afforded me your effectual assistance.

In regard to my having made a short entry of a portion of the cargo by the Eolian, that was an entirely separate affair, and discovered in consequence of the seizure of my papers, under suspicion of being a political offender. The amount short entered was confiscated by the custom house, and sold at auction, and I became the purchaser, but after paying my money, I learned that I could not enjoy what I had bought of the real hacienda, because it was already under embargo for political causes. In short I was *tricked*. If this can be twisted into matter against me, I confess I cannot see how. The papers in the investigation will confirm every assertion I have made to you—these papers I have not access to. Allow me to say to you, my dear sir, that every one in this place who is conversant with the circumstances,



both among my countrymen and citizens of the country, consider my case one of peculiar hard and unmerited suffering. My business has been ruined, and where the matter will end I cannot foresee. My cooper and mayordomo are still in prison, my carpenters have not been allowed to use their tools or clothes which came in the Eolian; they are about returning to the United States without them. How the cargo of the vessel and everything can be kept under restraint, after the instructions of the captain general that the matter should be dropped, in a political light, and after the custom here had seized and sold all that was short entered, I am not able to divine.

In haste, very respectfully.

JAMES H. WEST.

R. B. CAMPBELL,  
*Consul, &c., Havana.*

No. 75.

*Mr. McLean to Mr. Clayton.*

CONSULATE OF THE UNITED STATES OF AMERICA.  
*Trinidad de Cuba, June 13, 1850.*

SIR: I beg to lay before you a statement of my proceedings with the authorities here, in the case of Mr. James H. West, of Sagua la Grande. As I understand from Mr. West that you have been furnished with a circumstantial account of the difficulties he has been subjected to by the said authorities, in consequence of a vessel to his consignment having been detected in smuggling powder, I will merely state what steps I have taken in the business, and their results. On being made acquainted with the circumstances connected with the arrest of Mr. West, and the imprisonment of Mr. Lambden, with the assurance of West that he was innocent of any participation in the smuggling of powder, I addressed the governor of Villa Clara, under date of the 1st of March, and in whose department the matter occurred, requesting prompt investigation of the affair. His answer, dated the 21st of March, referred me to the "commandante general" of the department, who is also governor of this city. On the 27th of March, I received the answer from the governor of Villa Clara, in which he commended the governor of this place all the information I possessed on the subject. I was informed, in his answer to my communication, that he had referred the whole matter to the captain general. On the 28th of March I addressed his excellency on the subject, to which he replied that he had forwarded my communication to the princeipe, to whose jurisdiction the business appertained. In receipt of his excellency's letter, I have heard nothing from the authorities, on the subject.

I have since received a letter from Mr. West, stating that he had informed him that plenary powers had been granted to Mr. Campbell, at Havana, to demand a full explanation of the facts. I immediately informed the consul

my proceedings, and requested his efficient aid in the matter. He replied that he had received no instructions from you on the subject; that, at my request, he addressed a letter to the intendente, soliciting early attention to it. I have heard nothing further from the consul on the subject. On the 3d instant I received another letter from Mr. West, informing me that he had been in error in saying the "instructions" had been sent to General Campbell, but that they had been sent to me. I am in receipt of no communication from the department since that of the circular, dated 4th of March last.

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I am, sir, with much respect, your very obedient servant,  
SAML. McLEAN.

Hon. JOHN M. CLAYTON,  
*Secretary of State, Washington.*

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*Mr. West to Mr. Webster.*

WASHINGTON, July 26, 1850.

DEAR SIR: I have the honor to present a second protest and other documents in the case of Mr. James H. West, still under arrest at Sagua la Grande, island of Cuba. His protest reiterates the assertion of his innocence, and makes a demand for damages, in support of which I beg leave to submit, in his behalf, the following statement:

Mr. West removed his business, as a merchant, from Boston, Massachusetts, to Sagua la Grande, in January last, intending to make the island of Cuba, on which he has extensive family connections, his place of permanent business. He took out with him a large amount of property, in materials for erecting extensive buildings, and conducting the business of furnishing the supplies, and of storing and shipping the produce of plantations. He had secured the financial agency of coffee and sugar estates with sealed obligations, and had made contracts with two commercial houses in New York, and one in Boston, on which supplies for the estates had been advanced, and, in return, the produce of the estates was to have been shipped. These arrangements were the result of three years previous preparation, and involved the pecuniary resources of himself and his immediate friends.

The building materials and supplies were shipped by Messrs. Reed & Wainright, Boston, on board the brig Eolian, and arrived at Sagua la Grande, in January last. Soon after the cargo had been discharged a quantity of gunpowder was discovered to have been smuggled, and was found near the spot where the cargo was landed. The powder was seized and the captain of the vessel arrested. He was examined on his confession that he put on board the powder and smuggled unknown to all other persons, he being the owner of the vessel, he was set at liberty on his parol, and the powder was confiscated.

Here the matter would have ended, but for the interference of the authorities of the interior jurisdiction of Villa Clara. They, excited by a rumor that the brig Eolian had brought in an entire cargo of arms and ammunition, and that Mr. West's trunks were filled with papers connect-

ed with the then reported Lopez invasion, poured into Sagua their armed authorities, and seized and put under arrest all persons and property connected with Mr. West, on the suspicion of political designs against the government of Cuba.

Under these charges the authorities of Sagua la Grande proceeded to break up and examine the cargo, and to cause a thorough search of Mr. West's books and papers. After every article had been examined and every paper translated, the judge, the scribe, and the interpreter, jointly signed a declaration that *not an article was found among the cargo, nor a word in Mr. West's papers* justifying the slightest suspicion of political designs.

Yet, notwithstanding this clear acquittal, Mr. West was kept under arrest, his papers and property withheld from him, his employées carried off to Villa Clara prison, his business prostrated, himself and his friends involved in bankruptcy and ruin, besides the expenses and costs amounting to thousands of dollars.

No single fact has yet come to light calculated to throw a doubt over the correctness of the above statement, and it is firmly believed that on examination of the records, whenever access shall be had to them, will prove it rigidly correct.

It was a painful aggravation of Mr. West's sufferings, that, during the prostration of his business, his wife and child lay at the point of death, as was supposed, at her father's estate, near Cardenas, and yet he was refused, though any reasonable amount of bonds was offered by his friends, for permission to visit them.

In regard to the above occurrences, Mr. West is not disposed to impute any intended or wilful wrong to the authorities of Cuba. He is not surprised at their sensitiveness to even the slightest causes of alarm, nor disposed to complain against the severest measures of precaution for the public safety. But he thinks himself entitled to expect from the courtesy, the magnanimity, the justice of the Spanish nation, that they will correct a discovered error, and redress an undeserved and unintended wrong.

The injuries sustained by Mr. West entitle him to claim suitable redress. He demands his release, and that of his employées, and appraises his damages at fifty thousand dollars. He estimates the loss of his financial agency at \$10,000, his commission business at \$5,000, his cargo and property in Sagua at \$10,000, his costs and expenses there at \$3,000, his loss of labor and support of employées at \$5,000. To this schedule of losses is to be added all the expenses of prosecuting the measures for obtaining redress, and the injuries sustained by his family and friends in the United States by the dishonor of his business paper, and their consequent embarrassment.

All which is most respectfully submitted by, sir, your humble servant,  
JOHN WEST.

HON. DANIEL WEBSTER,  
*Secretary of State.*

We, Gardiner K. Reed and Henry C. Wainwright, of Boston, county of Suffolk, and State of Massachusetts, merchants, doing business under the style of Reed and Wainwright, do hereby certify, that, during the month of December last, we loaded the brig Eolian, Captain A. M. Jordan, bound for Sagua la Grande, in the Island of Cuba, consigned to Mr. James H. West there, with an assorted cargo; and that the said brig Eolian did not have on board any contraband articles to our knowledge, or to the knowledge of said James H. West, as he left Boston for Cuba before the vessel was loaded; and that no gunpowder of any kind was, to our knowledge, put on board the said vessel, or to the knowledge of said West. And, from a long acquaintance with Mr. James H. West, during his residence in Boston, know him to be a strictly honest and correct merchant, and can exonerate him from all blame or knowledge of there being any gunpowder, or any other contraband article on board of said vessel; and, if there was, we feel assured that it was without his knowledge or consent.

In witness whereof, we have hereunto set our hands and seals this sixth day of April, A. D., 1850.

GARDINER K. REED, [L. S.]  
HENRY C. WAINWRIGHT, [L. S.]

Witness:

JOHN R. CHANDLER,  
EDWARD W. PARKER.

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BRISTOL, R. I., *August 14, 1850.*

SIR: With the late dispatch of the Secretary of State, you were put in possession of all the material facts in the case of my son, Mr. James H. West, at Sagua la Grande, Cuba. Incidental evidence, however, may come to hand to sustain the leading positions and to meet the objections raised on the other side. In regard to information of this description, I was instructed, during my late visit in Washington, to communicate directly with yourself, furnishing the State Department with copies; and thus avoid both the loss of time and the needless multiplying of dispatches. From personal interviews or correspondence with our consuls at Havana and Trinidad, with merchants and others at Sagua la Grande, and with the captain of the brig Eolian, I shall be able to answer every inquiry and to bring to light the whole truth; and not a doubt will be left, in any impartial mind, that this was a case of simple smuggling by the captain; and consequently that the arrests on political suspicion were from beginning groundless, and, in every subsequent step, wholly unjustifiable. In regard to the smuggling of the powder, the records of the examination will show that the captain declared, on oath, that he acted for himself only in the transaction, thus implicating himself and the vessel of which he was the owner, in such a manner as nothing but the truth could have induced him to do; and as to the uses for which the powder was designed by him, I am now seeking evidence, which I hope soon to be able to communicate.

Another material point in the case is the examination and acquittal of

Mr. West; and here, sir, I would first ask your attention to *a word* employed in the secretary's late dispatch, which needs explanation. The word "trial" is used instead of "examination" in the sentence, "If it appears that Mr. West was acquitted *after trial*," &c. This evidently refers to the primary examination consequent upon the arrest; and the word "trial" was taken from Mr. West's account of the proceedings, and is to be understood in the popular, and not to the strictly judicial sense of that term. It refers to what took place before the tribunal at Sagua la Grande, and that was an "examination" to ascertain whether the suspicions on which the arrest took place had any foundation. This was, moreover, the only occasion on which Mr. West was subjected, in person, to anything like the form of a trial. It is the more important to observe this distinction on account of certain facts, which throw much light on the history of this transaction, and which I now proceed to unfold.

There are two diverse jurisdictions, and two different classes of persons concerned in this prosecution, viz: those of Sagua la Grande, and those of Villa Clara; and it is to an existing enmity and jealousy between Villa Clara, the interior town, and Sagua la Grande, the commercial district, that all the aggravated circumstances of this case owe their origin. The powder was seized at Granadillo, which is within the limits of Villa Clara, and here the two employés of Mr. West, and the Frenchman, his clerk, who were arrested within that jurisdiction, were immediately imprisoned by the authorities of Villa Clara. Mr. West, however, was arrested within the district of Sagua la Grande, and therefore became amenable to the authorities there. It was before that tribunal that he was examined and acquitted; the judge, scribe, and interpreter, certifying to the absence of any just grounds of suspicion; and the governor of Sagua certifying that fact to the authorities of Villa Clara, by whose orders he was arrested, and his property and papers seized. Here will be found the secret of all the oppression and injustice in this case. The tribunal of Sagua, who had legal jurisdiction over the primary proceedings, found and declared Mr. West entirely innocent of all complicity in the smuggling of the powder, and of political designs; and it was from the further unjust and illegal prosecution of the case on the part of the authorities of Villa Clara that all the aggravated sufferings and losses of these innocent men have arisen. All this is perfectly well understood at Sagua la Grande, and there exists among all classes a warm sympathy toward Mr. West as an injured and outraged man.

I have only one more fact to state at this time; and that relates to the quantity of powder. Much has been said about its being *so large in amount* as to indicate its being designed for more than either mechanical or sporting uses. You may rely upon it, sir, that *the whole of it would be consumed in blasting out two wells*. Indeed, I am informed that, when seized and sold, it was purchased and used for this purpose; so that the idea of the quantity being so large as to indicate political designs, is a wholly mistaken one.

There is another topic about which nothing has yet been said, and probably will not be. Yet it is proper to be well informed and guarded

ery topic. There was among the cargo of the Eolian a large and storehouse frame, which, being ready to put up, contained mber than the quantity charged in the bill, and thus showing a r number of feet charged in the bill than the frame measured. n directed the captain to make a *full entry* of everything. This one at first, but afterwards altered, in conformity with the ex- demands of the officers, because contrary to the usual customs. e amount of lumber actually in the frame was the same as was d according to the custom house direction. But, because the Clara authorities found the bill of the lumber paid for to make me out of to be greater in amount than that entered for the they confiscated the property as a violation of the revenue laws, cost my son \$2,000 to redeem it; and then, after paying for it, retained by the authorities as security to answer for the charge ggling the powder.

s is a true history of the transaction. There is one point more ich I would say a word. It is that of the *damages*; the amount d by Mr. West is \$50,000, but as he made no specifications, it e proper for me at Washington to supply this as well as I could. : informed my son of what I did, and requested him to make as ste a statement as the circumstances will permit. The above is for his own losses and damages. There will be a separate for the men.

losing this communication, I would, sir, express my warm grati- and high respect toward yourself, for the able and feeling manner ch you have thus far conducted the correspondence in this affair. v. M. BARRINGER, Esq., &c., &c.

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No. 30.

*Mr. Barringer to Mr. Webster.*

[Extract.]

LEGATION OF THE UNITED STATES,  
*Madrid, August 22, 1850.*

: I have the honor to acknowledge the receipt yesterday of your ch No. 24, of the 29th ultimo, on the subject of the arrest and onment of three American citizens in the island of Cuba.

xecution of the instruction it contained, I have this day trans- to his excellency the Spanish minister of foreign affairs a note, ch I enclose a copy (marked A.)

\* \* \* \* \*  
ve the honor to be, with the highest respect, sir, your obedient t,

D. M. BARRINGER.

UEL WEBSTER, Esq.,  
*Secretary of State.*

## A.

LEGATION OF THE UNITED STATES,  
*Madrid, August 22, 1850.*

SIR: On the 26th of April, 8th and 10th of May last, I had the honor to address your excellency on the subject of the arrest, imprisonment, and ill-treatment of James H. West, Edward R. Lambden, and Clement L. Blethen, American citizens, by the local authorities, at Sagua la Grande, in the island of Cuba, to demand the discharge of those still imprisoned, and full indemnity for the personal and pecuniary injuries which they had sustained in consequence of those illegal and unjust proceedings.

Your excellency was pleased to reply at length to the first of these communications, and to inform me that inquiries had been instituted by direction of her Majesty's government as to the facts upon which the reclamation was made.

As a reasonable time has elapsed without further answer, and as two of the said Americans have been for several months and still are in confinement, the one in close prison and the other under arrest and in limits, deprived of his liberty, property, and means of support, I am directed to renew this subject to the consideration of her Majesty's government.

I am instructed by my government to repeat the demands heretofore made by me, and to insist upon an order from the government of her Majesty for the immediate release of Mr West and his employée Lambden, (Blethen being already discharged, as is known to your excellency,) as well as speedy and ample indemnification to Mr. West for the outrage and for the pecuniary losses which he has suffered in consequence of his imprisonment, and the withholding from him of his property and his commercial books and correspondence.

In executing these instructions, I am also directed to assure your excellency, that although the government of the United States does not incline ever to magnify small matters into things of great importance, yet, that it regards any act depriving an American citizen of his personal liberty, as a subject of very just complaint, until a proper charge for such deprivation be established on full and sufficient evidence.

Whilst the government of her Majesty is given to understand distinctly, that no Spanish subject will be deprived of his liberty in the United States by order of that government, or any branch of it, on mere suspicion, or any slight grounds or unfounded imputations, so in this respect we confidently anticipate concurrent and reciprocal sentiments and conduct from the government of Spain.

In the case now under consideration, it is confidently believed by the government of the United States, that the arrest was without cause, and its further continuance wholly unjustifiable and oppressive.

In confirmation of the views entertained by my government, and in addition to the facts and inferences heretofore stated in my correspondence with your excellency, I have the honor to transmit copies of two protests of Mr. West, and two of Mr. Blethen, for himself and Mr. Lambden, (who being incarcerated is deprived of exercising this privilege in person,) all made under oath before the proper authority.

I also transmit for the examination of your excellency a certificate from Messrs. Reed and Wainwright, merchants of Boston, who, in December last loaded the brig *Eolian*, and consigned her to Mr. James I. West, in which they solemnly declare that no gunpowder had been put on board of that vessel with their knowledge, or with the knowledge or consent of Mr. West. And your excellency will remember that the captain of the vessel confessed himself the sole author of this contraband act, and declares that none of the parties charged had any knowledge or interest in the same, much less any *political design* in the introduction of the powder, and that it was an act of "smuggling" solely on his own account. On this confession he was set at liberty on his parole, and the powder confiscated.

The conduct of the local authorities has been most unjust and oppressive to all three of the individuals interested in this demand, to Mr. West especially it has been most ruinous and cruel. Besides the utter prostration of his business, derangement of his plans for an extensive business which had been several years in preparation, and involving the heavy expenditure of money which this unjust proceeding has necessarily and greatly increased, and which it may cause to end in the bankruptcy of himself and friends, this gross injustice has received a painful aggravation in the dangerous illness of his wife and child near Cardenas, which place being beyond the limits of his parole, he was not allowed to visit them in their affliction, though any reasonable amount of bonds was offered by his friends for his return to his parole limits.

Under all these circumstances, I trust I need not urge upon your excellency the justice and necessity of an early action on the part of her Majesty's government, in regard to the demands presented in this communication.

In conclusion, I respectfully request of your excellency, that the government of the United States be furnished with a true copy of the proceedings had in this case before the legal tribunals at *Sagua la Grande* and *Villa Clara*.

I approve this occasion to renew to your excellency the assurances of my most distinguished consideration.

Your obedient servant,

D. M. BARRINGER.

His Excellency the MARQUIS OF PIDAL,  
*Minister of State, &c., &c.*

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*Mr. West to Mr. Webster.*

BRISTOL, R. I. August 26, 1850.

DEAR SIR: I have a letter from my son, Mr. James H. West, under date of August 1st, in which he communicates intelligence of the first fatal result of the outrage under which he and his employees have been suffering. Poor Lambden is dead. He was one of the three who were so cruelly treated on their arrest, and then immured in Villa Clara prison. After suffering there five months, he was discharged on bail,



and in a very short expired. He has left a family in Philadelphia. My son has, in addition to all his other losses and expenses on his account, contributed to his support, while in prison, two hundred and fifty dollars. I hope his destitute family will not be debarred from the benefit of his claim. I have also to state, that I have received, and propose to forward to Mr. Barringer, the affidavit of Capt. Jordan, in which he declares, under oath, that he shipped the powder, to be used for specific mechanical purposes, which he states; that the knowledge of its being on board the vessel was carefully concealed; and that my son has no participation or knowledge, whatever, in regard to its landing, his first knowledge of the fact being after the powder was discovered on shore.

I have also communicated to Mr. Barringer a detailed account of my son's arrest, examination, and acquittal, by the tribunal of Sagua la Grande, which I obtained from an American merchant of that place, who was present, and participated in the proceedings, as a private interpreter. He confirms every fact as already embodied in the documents of the case.

I should be happy to receive the copies of a portion of the correspondence, which I left at the state department subject to your order.

I have the honor to be, most respectfully, your obedient servant,  
JOHN WEST.

HON. DANIEL WEBSTER,  
*Secretary of State.*

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*Mr. Webster to Mr. West.*

DEPARTMENT OF STATE,  
*Washington, August 28, 1850.*

SIR: In compliance with the request of your letter of the 26th inst., I transmit the copies of the papers to which you refer, relating to your son, and I have to repeat my wish expressed to you, when here, that you will not give publicity to them. They are intended only to relieve the anxiety of your family respecting Mr James H. West, of whom nothing more has been heard since you quitted Washington.

I am, sir, respectfully, your obedient servant,  
DANIEL WEBSTER.

The Rev. JOHN WEST,  
*Bristol, R. I.*

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*Affidavit of Albion M. Jordan.*

I, Albion M. Jordan, of Portland, in the county of Cumberland, and State of Maine, one of the United States of America, on oath, depose and say, that on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, I was master of the brig Eolian, of said Portland, and was the owner of one quarter of said

rig at the said time; that on the said eighteenth day of December I sailed in said brig, bound to Sagua la Grande, in the Island of Cuba, with an assorted cargo, principally lumber; that about three days before sailing, I received an order to purchase, in Boston, on account of one Emerson, residing in said Cuba, twenty kegs of coarse powder, suitable for blasting rocks, and to be used by said Emerson on his plantation for the purpose aforesaid of blasting rocks; that I shipped the same on board said brig, and carried it to said Sagua la Grande, for and on account of said Emerson, and on my arrival there, I consigned both said brig and cargo to James H. West, of said Sagua la Grande, a resident merchant; that said powder was never entered on the manifest of said cargo, nor other notice of its being on board given to the Spanish authority; that I landed said powder by sending the same by a launch to the shore, having packed the same in old molasses barrels, under charge of one Edward R. Lambden, a cooper, who was the only person, either of the Spanish officer in charge of said launch, or the officers or crew of said brig, who knew anything about the landing of the powder on board said vessel, or of the landing of the same; that my said consignee did not know of my intention to land said powder, nor of my landing the same; that said powder, thus concealed in said barrels, was carried to the landing at Granadillo, about nine miles from the plantation of said Emerson, to whom the said powder was to be sent; that the said powder was intended for mechanical purposes only, and not for any political uses, and that Lambden and myself were the only persons engaged in sending the said powder ashore, or knowing to said landing; that said brig arrived at Sagua la Grande after a passage of about eighteen days; that said powder, whilst on board of said brig, was concealed from the officers and men of said brig.

Dated at Portland aforesaid, this twenty-first day of August, in the year of our Lord, one thousand eight hundred and fifty.

A. M. JORDAN.

Attest:

THOS. A. DEBLOIS.

On this twenty-first day of August, in the year of our Lord one thousand eight hundred and fifty, personally appeared before me, Albion M. Jordan, a person well known to me; and, having subscribed in my presence the above affidavit, made solemn oath to the truth of the facts therein contained.

THOMAS AMORY DEBLOIS,  
*Justice of the Peace for the County of Cumberland aforesaid.*

No. 32.

*Mr. Barringer to Mr. Webster.*

[Extract.]

LEGATION OF THE UNITED STATES,  
*Madrid, September 5, 1850.*

SIR:      \*      \*      \*      \*      \*      \*

Since my note of yesterday to the minister of state, I have received, but not in time to make a copy for the mail of to-day, a communication in reply to mine of the 22d ultimo, demanding the immediate release of James H. West and his employec Lambden, arrested and imprisoned by the authorities at Sagua la Grande, in the island of Cuba. A copy of this reply will be forwarded by the mail of next week. It declares in substance the refusal of her Majesty's government to release the prisoners; that the criminal proceedings against them are solely on account of the fraudulent introduction of twenty barrels of gunpowder, and not for any political designs against the island of Cuba, and that their trial will proceed according to the usual forms of Spanish judicature, which recognizes neither the competency of the government of her Majesty, nor of that of the United States, to decide on the grounds of their arrest, or of the judicial proceedings its tribunals may have instituted in this case.

I have the honor to be, with the highest respect, sir, your obedient servant,

D. M. BARRINGER.

DANIEL WEBSTER, Esq., *Secretary of State.*


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B.

LEGATION OF THE UNITED STATES IN SPAIN,  
*Madrid, September 4, 1850.*

SIR: On the 22d ultimo I had the honor to address your excellency on the subject of the release of certain American citizens who, according to the opinion of the government of the United States, were improperly arrested, and have been unjustly detained for several months by the local authorities of Sagua la Grande, in the island of Cuba. And, on the 27th ultimo, I also addressed your excellency in regard to the American prisoners captured by a Spanish cruiser at the island of Contoy, and tried in Spanish tribunals, at the Havana, for alleged offences against her Majesty's government. To neither of these communications have I been favored with a reply.

Having supposed from the length of time which has elapsed since the occurrence of the transactions on which these demands are founded, and believing that her Majesty's government were fully in possession of the grounds on which they are made, as well from information in their own power as from the interviews and correspondence had with the representative of the government of the United States at this court, I was

induced to ask, in pursuance of my instructions, and supposed I had reason to expect, a prompt answer to each of these communications.

In addition to the foregoing reasons for early action, as well as those which are necessarily inherent in questions involving the personal liberty of the citizen, I have to remark that to-morrow is the last day of this week in which I can forward dispatches to my government in time to be conveyed by the next steamer to the United States, and that it is most desirable and important that the answers of her Majesty's government to these demands should be in a condition to be transmitted, if possible, by that day.

I therefore earnestly, but most respectfully, solicit the earliest attention of your excellency to these subjects, and trust that there will be found in the foregoing considerations a sufficient apology for any seeming impatience which I may have manifested.

I take this occasion to renew to your excellency the assurances of the high consideration with which I have the honor to be,

Your excellency's obedient servant,

D. M. BARRINGER.

His excellency MARQUIS OF PIDAL,  
*Minister of State.*

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No. 33.

*Mr. Barringer to Mr. Webster.*

[Extract.]

LEGATION OF THE UNITED STATES,  
*Madrid, September 12, 1850.*

SIR: I have the honor to transmit to you copies of two notes of the minister of state of her Majesty's government of the 4th instant, and of mine in reply on the subject of the demand for the release of *James H. West* and his employée, *Lambden*. I will await the instructions which you may be pleased to communicate on the statement presented by her Majesty's minister of state.

You will observe that the copies of documents and proofs sought in this case by the United States are postponed till the result of the pending proceedings at law.

Notwithstanding the statement furnished to his government by the captain general of Cuba, my own conviction remains unshaken, that a true and full exhibition of all the facts and proofs connected with this transaction will demonstrate that the arrest of these Americans was without cause, and its long continuance wholly unjustifiable.

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I have the honor to be, with the highest respect, sir, your obedient servant,

D. M. BARRINGER.

DANIEL WEBSTER, Esq.,  
*Secretary of State.*

A.

[Translation.]

## FIRST BUREAU OF THE OFFICE OF STATE.

*Palace, September 4, 1850.*

SIR: I have received the note of your excellency of the 22d of August last, in which, in pursuance of the instructions of your government, you renew the demand that an order issue for the immediate release of Mr. West and his employée, Lambden, prosecuted by the tribunals of the island of Cuba, as authors or abettors of the offence of having committed a smuggling of gunpowder, and that the first of the said persons be indemnified for that which he has suffered in his person and in his interests in consequence of this suit.

Your excellency refers to your notes of the 26th April, 8th, and 10th of May last, relative to this matter, remarking, that as I indicated to you, that information had been sought at the island of Cuba, and as reasonable time had elapsed without my having communicated to you any answer, you felt yourself obliged to reproduce this demand.

The time which has elapsed since then has been, in fact, sufficient if not for the termination of the suit, at least for the reception by the government of her Majesty, a few days since, of information upon the state of it, (the suit,) and of the facts which have led to it, which I will lay before your excellency in answer to said note, as I was already thinking of doing at any rate, notwithstanding that by accounts received from Washington I had reason to believe that the government of the United States was satisfied with the explanations which were given to it there, and had desisted from the demand.

According to the note of your excellency, I perceive that this has not been the case, and therefore I proceed to lay before your excellency the results of the said information.

The 28th day of January of the present year, according to the communication of the captain general of Cuba, twenty barrels of gunpowder were seized in a storehouse of discharge of Mr. Henry Emerson, situated at the port of Granadillo.

Because of this seizure and of the criminal suit instituted in consequence of it, five individuals were arrested, namely: the person who had the storehouse in charge, a cooper called Edward Read, [probably Blethen is meant,] a carpenter, Edward Reid Lambden, and two slaves of Emerson. It having been ascertained that the powder had been brought by the brig Eolian, the house of the consignee, Mr. James West, a resident of Sagua, was ordered to be searched, and his papers were judicially seized, himself being also arrested, as well as Emerson, in whose storehouse the powder was found, and other two individual Spaniards.

The suit is conducted conformably to the laws, by the tribunal under the superintendence of the royal revenue, as an offence qualified by smuggling and defrauding the royal customs, being as such before the said tribunal, and, by the procedure which the laws establish, the interested will be able to produce their claims to whatever they believe themselves to be entitled.

It does not appear that the prisoners have been treated with arbitrary severity, as your excellency has repeatedly stated, neither that they are accused of complicity in conspiracies or political enterprises; since the fact that their case is prosecuted by the court of the superintendence of the royal revenue, proves that up to the present time, it possesses no political character, but that it is considered as purely a case of smuggling, notwithstanding the character of the article which was fraudulently introduced.

Your excellency states that the government of the United States considers the act of depriving an American citizen of his personal liberty as a cause of most just complaint, unless the charge which occasioned that privation be established by full and evident proofs.

But your excellency and your government will recognize also that these full and evident proofs can only be estimated by the territorial tribunals, and that they can only *appear* as a result of the suit, which conformably to the said laws, ought to be substantiated by all the forms of law for those who are at any time amenable, as well the natives of the country as the strangers who reside in it.

As to whether in the present case there was ground for the arrest and prosecution of the individuals to whom the demand of your excellency refers, I cannot do less than say to you that neither the government of her Majesty nor that of the United States is a competent authority to decide that question, but only the tribunal which decreed that measure and its superiors in the judicial hierarchy.

Your excellency will observe that two Spanish subjects were arrested at the same time with the Anglo American citizens to whom your excellency alludes; a circumstance which shows that in that proceeding nothing more than the offence was considered, and in no manner the nationality of the delinquents.

With the note of your excellency there were enclosed copies of the protest presented by Mr. West, and by Mr. Blethen, in his own name and in that of Mr. Lambden, as also a certificate from Messrs. Reed and Wainwright, who freighted the brig Eolian, in which they solemnly declare that no gunpowder was put on board said vessel with their knowledge, or with that of Mr. West. Without prejudging for my part the value which such documents may have in court, I limit myself to saying to your excellency, that I will give knowledge of them to the authorities of the island of Cuba, in order that they may produce in the tribunal their proper effect.

I shall have the honor of informing your excellency, for the knowledge of the government of the United States, of the result of the suit as soon as the state of the proceedings permits; in which case also, according to the laws of Spain, those interested may request whatever copies and attestations are agreeable to them, either of the whole judicial procedure, or of that part which interests them.

I approve this occasion to reiterate to your excellency the assurances of my most distinguished consideration, &c.

PEDRO J. PIDAL.

The MINISTER Plenipotentiary of the United States.

B.

[Translation]

## FIRST BUREAU OF THE OFFICE OF STATE.

*Palace, September 4, 1850.*

SIR: \* \* \* \*

The reply to the note of the 22d of August, relative to some Americans accused of having committed an act of smuggling of gunpowder in the island of Cuba, has been sent to your excellency to-day.

All which I have the honor to say to your excellency in answer to your note of to-day, in which you request a reply to one and the other. I approve this occasion, &c., &c., &c.

PEDRO J. PIDAL.

The MINISTER PLENIPOTENTIARY OF THE UNITED STATES.

C.

## LEGATION OF THE UNITED STATES IN SPAIN,

*Madrid, September 11, 1850.*

SIR: I have had the honor to receive, in reply to mine of the 22d ultimo, the note of your excellency of the 4th instant, in which your excellency declares the purpose of her Majesty's government to continue the arrest and prosecution of *J. H. West* and his employée *Lambden*, whose release has been demanded by the government of the United States.

As I shall await the orders of my government on the additional views and facts which your excellency has communicated in this note, I forbear for the present to remark on the objections to which, in my judgment, it is obviously liable.

In regard, however, to the remarks of your excellency that it does not appear that the prisoners have been treated with arbitrary severity, as repeatedly stated by me, I cannot omit to say that it would have been much more satisfactory if the *facts* connected with their arrest and subsequent treatment had been furnished for the consideration of my government, instead of the *opinion* of the captain general of the island of Cuba, which, respectable and entitled to every credit as it may be, is, in this instance, opposed to the sworn testimony of all the parties concerned.

Nor can the undersigned accede to the principle asserted in the note of your excellency, which excludes the government of the United States from all inquiry into the causes of the arrest and prosecution of these prisoners. While I admit as a general rule the truth and justice of the principle which subjects resident foreigners to the jurisdiction of the territorial authorities and municipal laws—and that they must in general rely on them, in the first instance, before they can claim aid or protection from their own government for rights withheld, or wrongs unredressed, I must insist that this general rule has many and important exceptions, and that my government can never assent to

application where justice is refused, or palpable and evident injustice done, or the forms of law perverted into instruments of oppression and wrong, as is believed to have been done in the present instance.

In similar cases, moreover, embraced in the said exceptions, in the opinion of the undersigned, the government of this country will claim the right, in common with the territorial tribunals, to examine and estimate the proofs in support of accusations against its citizens not only ~~in~~ <sup>in</sup> court, but before the termination of such criminal proceedings at law.

It will be a source of sincere satisfaction to the government of the United States, as it will also be of happiness to the undersigned to ascertain, if possible, in the further examination of this matter, and after a full and complete statement of all the facts connected with it, that the existing impressions of injustice, which they believe to have been practised against their citizens resident in the colony of a friendly nation, are without foundation—and that there will be no new occasion in reference to this subject for the interference of their protecting power.

I take this occasion to renew, &c., &c., &c.

D. M. BARRINGER.

His Excellency THE MARQUIS OF PIDAL,  
*Minister of State, &c., &c.*

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No. 79.

*Mr. McLean to Mr. Webster.*

[Extract.]

CONSULATE, UNITED STATES OF AMERICA,  
*Trinidad de Cuba, September 28, 1850.*

SIR: \* \* \* \* \*

Mr. James H. West, of Sagua la Grande, and also Mr. Lambden, have been set at liberty; but Mr. West is not allowed to leave the island, and his property is still under sequestration. I have this information from him under date of the 12th of August.

I have the honor to be, sir, your very obedient, humble servant,

SAMUEL McLEAN.

HON. DANIEL WEBSTER,  
*Secretary of State, Washington.*

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*Mr. West to Mr. Webster.*

BRISTOL, R. I., *September 30, 1850.*

SIR: I have received information from my son, Mr. James H. West, which I deem it important to communicate. The accused parties have been summoned to Villa Clara for further examination. An account of this process is herewith enclosed. My son is now summoned to Puerto Principe, a distance of three hundred miles.



I cannot refrain from expressing the hope that his painful and lonely situation may be realized, and procure for him, at least, the support he would derive from the knowledge that his own government are taking steps for his relief. Up to the date of his last letter, he remained in utter ignorance on this point. He says: "It appears clear that my father has been deceived by some parties at Washington in regard to the degree of relief intended or promised me." "Mr. McLean is anxious for decisive instructions from the home government, and will act up to such when they come. He informs me, under date of August 9, that he had forwarded to the Department of State a circumstantial account of my difficulty, under date June 13, but is yet without a reply."

All information from other sources has been cut off by intercepting his letters from his friends. Thus, sir, has he been for more than seven months crushed under a series of oppressions, stripped of his property, left without consular protection, unsupported by the hope of relief from his own government, and maintaining his cause alone against a wily and heartless class of mercenary Spanish officials. I have great anxiety on account of his long journey to Principe, under such circumstances. If his life does not fall a sacrifice to the climate, the labor, the anxiety, and the hopelessness of his condition, it will be because he enjoys the support of conscious innocence, and the gracious presence of his God.

I have the honor to be, most respectfully, your obedient servant,  
JOHN WEST.

HON. DANIEL WEBSTER,  
*Secretary of State, &c.*

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No. 35.

*Mr. Barringer to Mr. Webster.*

[Extract.]

LEGATION OF THE UNITED STATES,  
*Madrid, October 3, 1850.*

SIR:       \*       \*       \*       \*       \*       \*       \*

I enclose you the copy of an additional note from her Majesty's minister of state on the subject of the demand for the discharge and indemnification of Mr. James H. West and his employée, Lambden.

I have the honor to be, with the highest respect, sir, your obedient servant,

D. M. BARRINGER.

DANIEL WEBSTER, Esq.,  
*Secretary of State.*

D.

[Translation.]

FIRST BUREAU OF THE OFFICE OF STATE,  
*Palace, September 25, 1850.*

**SIR:** I have received your excellency's note of the 11th instant, **ative** to your demand in favor of Mr. West and his servant Lambden, **prisoned** in the island of Cuba for being accomplices in an act of **uggling** gunpowder.

As your excellency states that you await the orders of your government upon this matter, I consider that, for the present, I may excuse **yself** from entering upon reflections which I reserve until your excellency may know the manner in which the government of the United States appreciates the considerations stated by that of her Majesty.

I approve this occasion, &c.,

PEDRO J. PIDAL.

The MINISTER PLENIPOTENTIARY OF THE U. S.

*Mr. West to Mr. Webster.*

BRISTOL, R. I., *October 17, 1850.*

**SIR:** Before I left Washington, in July last, I was led to expect information from Madrid by the last of September. If any dispatch has been received from Mr. Barringer, may I not expect to be informed of it at an early day?

I am in receipt of a letter from Mr. McLean, dated Trinidad de Cuba, September 22d, an extract from which is respectfully submitted to your consideration.

After alluding to his ineffectual efforts in behalf of my son he adds: "I regret, however, of being referred to so many authorities, I laid the whole matter before Mr. Clayton, who, I am sorry to say, never replied to my communication. I have every reason to believe that our present efficient secretary will give the matter his serious attention; and I hope to be honored with an answer to the communication addressed to his predecessor. I have not the slightest hesitation in saying that your son's case is an outrage on the rights of an [American,] and that the Spanish government should be made to pay severely for this wanton and unjustifiable conduct; and I have learned, *unofficially*, that a demand has been already made on that government for remuneration for injuries inflicted on our persecuted countrymen."

Very respectfully, your obedient servant,

JOHN WEST.

HON. DANIEL WEBSTER,  
*Secretary of State, &c.*

*Mr. Derrick to Mr. West.*

DEPARTMENT OF STATE,

*Washington, October 19, 1850.*

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, and to inform you that late dispatches from Mr. Barringer, which are in answer to the instructions from this department of the 29th of July last, contain intelligence that the Spanish government insists that the judicial proceedings against Mr. James H. West and his employée, Lambden, by the authorities of Cuba, have been in strict accordance with the laws of that country, to which, as the minister remarks, natives, as well as residents, are amenable. The Spanish government further informs Mr. Barringer that, whenever the suit against Mr. James H. West and his employée shall be concluded, these parties will be entitled to any copies and attestations of the judicial procedure that they may desire to have.

I am, sir, respectfully, your obedient servant,

W. S. DERRICK,

*Acting Secretary.*

Rev. JOHN WEST,

*Bristol, Rhode Island.*

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*Mr. West to Mr. Webster.*

TROY, NEW YORK, *March 21, 1851.*

SIR: I had the honor to address a communication to you, under date of January 25th, on the subject of the continued arrest and oppression of my son, Mr. James H. West, in Cuba. To this letter I have not the pleasure to acknowledge any reply; nor have I received information respecting any progress in this case for the last six months. I now forward a third protest, with copies of the two former protests, and respectfully invite attention thereto. I beg leave to impress the fact that every passing day increases the distress and embarrassment of my suffering family; that the health of my son has begun to fail; that his vigorous constitution has been undermined by fourteen months continued anxiety, exposure, and oppression; and that his life is endangered by a continued exposure to a foreign climate, during the sickly season of the year, under his unhappy circumstances.

It would be better for him to escape from the island, which he might at any time do, and abandon his attempts to seek redress at the hands of his own government, than to incur the dangers that threaten him. But by this course he would forfeit his property, now under seizure by the Cuban authorities, and reduce us all to bankruptcy, and he would also sacrifice all his prospects of business in that island, together with his title to his wife's inheritance there.

I, therefore, most respectfully and earnestly pray that some measures may, if possible, be adopted to put an end to this long series of calamities.

I have the honor to be, sir, your most obedient servant,

JOHN WEST.

Hon. DANIEL WEBSTER, *Secretary of State.*

*Mr. Derrick to Mr. West.*

DEPARTMENT OF STATE,  
*Washington, March 31, 1851.*

SIR: I have the honor to acknowledge the receipt of your communications of the 21st instant, with its enclosures, and of the 25th of January last. An answer to the latter has been postponed in the expectancy of an earlier receipt of official information respecting the subject of your communications, the complaints of your son, Mr. James H. West, against alleged oppression and ill treatment from the Spanish authorities of Cuba.

From the enclosed extract from a dispatch of the Spanish minister of foreign affairs to the Spanish minister near this government, which the latter communicated to me on the 20th instant, you will perceive that the Spanish government asserts that the proceedings against Mr. James H. West had been neither harsh nor arbitrary, but strictly in accordance with the laws of the land.

Under these circumstances the department cannot press this subject any longer on the government of Spain, unless it be first furnished with satisfactory evidence that the treatment, of which Mr. James H. West complains, was arbitrary and harsher than the laws of the country warrant.

I am, sir, respectfully, your obedient servant,

W. S. DERRICK, *Acting Secretary.*

Rev. JOHN WEST, *Troy, New York.*

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*Mr. Lord to Mr. Webster.*

NATIONAL HOTEL, WASHINGTON,  
*December 31, 1851.*

SIR: I beg leave to address you in behalf of Mr. James H. West, of Sagua la Grande, island of Cuba. The facts relating to his arrest by the Spanish authorities at Sagua, in the month of February, A. D. 1850, and the losses which he has sustained in consequence of that arrest are known to the government, and have formed the subject of various official correspondence, and of a demand upon the Spanish government for the immediate release of Mr. West, and indemnity to him.

Mr. West desires to be informed whether any recent action, and if so, what, has been had in relation to his case; and also, if consistent, whether it is the present intention of the government to take any further action in the same.

I am, sir, very respectfully, &c.,

HENRY C. LORD.

HON. DANIEL WEBSTER,  
*Secretary of State.*

*Mr. Webster to Mr. Lord.*

DEPARTMENT OF STATE,

*Washington, January 3, 1852.*

SIR: In reply to your letter of the 31st ultimo, respecting Mr. James H. West, who was arrested at Sagua la Grande in 1850 by the authorities of Cuba, and whose trial is not yet closed, as far as this department is informed, I beg leave to say, that nothing has been omitted by the United States government to secure a thorough investigation of the merits of this case by the Spanish government. We have assurances, too, that proper orders have been given to expedite the proceedings. Of these facts Mr. West's friends in Rhode Island have been duly apprized.

The department does not deem it necessary, at this moment, to take any further steps in this case.

I am, sir, respectfully, your obedient servant,

DANIEL WEBSTER.

HENRY C. LORD, Esq.,  
*National Hotel, Washington.*

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*Mr. West to Mr. Webster.*

BRISTOL, R. I., *February 5, 1852.*

SIR: Having learned from my agent in Washington, Henry C. Lord esq., that no further steps could be taken by the State department in behalf of Mr. James H. West, and that he proposed to solicit the intervention of Congress in aid of the Executive department, I have consented to a request from the friends of my son here, to allow the application to Congress to come through the legislature of Rhode Island.

This measure, I beg to be understood, is not intended to imply the remotest want of confidence in the Executive department, but is prompted by the belief of its being a necessary and constitutional means of urging the extension of speedy and effectual relief to the suffering party upon the Spanish government.

I am, sir, most respectfully, your obedient servant,

JOHN WEST.

HON. DANIEL WEBSTER,  
*Secretary of State, &c., &c.*





## MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*compliance with a resolution of the Senate, the correspondence between Mr. Schenck, United States Minister to Brazil, and the Secretary of State, in relation to the African slave trade.*

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MARCH 13, 1854.—Referred to the Committee on Foreign Relations.

MARCH 14, 1854.—Ordered to be printed.

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*to the Senate of the United States:*

I transmit, herewith, a report from the Secretary of State, and the documents therein referred to, in answer to the resolution of the Senate of the 26th March, 1853.

FRANKLIN PIERCE.

WASHINGTON, March 7, 1854.

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DEPARTMENT OF STATE,

Washington, March 7, 1854.

The Secretary of State, to whom was referred the resolution of the Senate of the 26th of March, 1853, requesting the President "if compatible with the public interest, to communicate to the Senate the correspondence between the Honorable R. C. Schenck, envoy extraordinary and minister plenipotentiary of the United States in Brazil, and the Secretary of State," has the honor to lay before the President the documents referred to in the subjoined list.

Respectfully submitted,

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

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### *List of documents transmitted.*

Mr. Webster to Mr. Schenck, (extract,) May 8, 1851.

Mr. Schenck to Mr. Webster, (with enclosures,) April 26, 1852.

Same to Mr. Everett, (extract,) January 14, 1853.

Same to same, (with enclosures,) February 5, 1853.



No. 2.

*Mr. Webster to Mr. Schenck.*

DEPARTMENT OF STATE,  
*Washington, May, 8, 1851.*

\* . . \* . \* . \* . \*  
 It is understood that the Brazilian government has recently been active in the execution of its own laws for the suppression of the African slave trade. If it shall persevere in this, it may not be necessary for you to take any steps with a view to carrying into effect the ninth article of the treaty of Washington, of the 9th of August, 1842. If, however, during your mission, an occasion should arise for the remonstrances to which that article refers, you will address them orally, or in writing to the Brazilian minister for foreign affairs.  
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No. 24.

*Mr. Schenck to Mr. Webster.*

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, April 26, 1852.*

SIR: I desire to call your particular attention to the subject of the slave trade between Brazil and the coast of Africa. This infamous and inhuman traffic, thanks, principally, I must say, to the vigilance of British cruisers, and the disposition manifested, and measures taken by the ministers of state composing the administration now in power in this government, has seemed, for a period of a year or more, to be nearly, if not altogether, suppressed and stopped. But there are many indications of its revival. And I grieve to have to inform you that, in the present condition of things, no flag is more likely to be prostituted to the vile use of protecting those engaged in the business than our own.

Without aid from any force of the United States, the secret depôts of "slave goods" along this coast have been discovered and broken up; the traders, or those concerned, have many of them been prostituted and imprisoned, or driven from the country; and thus their unlawful voyages have been prevented. Whatever the motives which may have actuated either the British or the imperial government—whether of selfish policy or pure philanthropy—their course and its results are such as I have represented, and they are entitled to credit accordingly.

But a reaction has evidently taken place, not in the efforts of these powers and authorities to suppress the trade. I do not mean to say that they have relaxed, in any respect, their vigilance or activity; but, the first panic of the slave dealers that remain being passed, they have had time to look around them, to see and devise means for entering with more security into their old business; and the very success which has attended, for a time, the efforts to stop it, has furnished an additional

timulus to its renewal. Under the influence of the difficulties thrown in the way of the importation of fresh supplies of slaves, the price of them has been doubled of late in this market, and a single cargo successfully landed and sold now would make the fortune of the adventurer.

Now, I am sorry to say that, in this state of affairs, nothing seems to occur to these miscreants, who would commerce in human flesh, more kely to serve their purposes than the use, or rather the abuse, to that end of the American flag. It alone gives privilege and immunity from visitation and search, when on the high seas, against all pursuers, but the commissioned naval police of our own country. And while the United States have no sufficient armed force for an effective watch along the African coast, from whence the poor victims of the slave-dealers are to be stolen, we have still less of a guard set upon the approach to *this* shore, where a market for the contraband cargoes is to be found. I do not doubt either the vigilance or good will of the naval commanders who are on this service, on either station, to do all that the means entrusted to them will possibly enable them to accomplish. I am sure of the activity and zeal with which the officers and men in our national ships are disposed to perform their duty, in helping to suppress the wicked trade. But what can they do? And, especially, what can they do on this Brazil station, where, for many months past, our whole squadron has consisted of but two vessels, and those so large and of such draft as to be the worst possible adapted to this preventive service. Since the brig Bainbridge was detached from Commodore McKeever's command, there have remained only his flag-ship, the frigate Congress, and the first class sloop Jamestown. During the late disturbed and unsettled condition of affairs at the river Plate, it was wisely judged necessary to keep both of them in that quarter; and thus, for a long period, we have had no naval force whatever anywhere along the whole line of Brazilian coast. The Congress and Jamestown are now, I believe, out cruising. But if they were here, they could do little in any emergency such as I am adverting to without, at least, the co-operating aid of one or more smaller vessels. To catch a slaver on the coast, or even to find one, requires, not large ships of deep draft and heavy armament, but those which can safely, and therefore fearlessly, follow close in shore, and run behind islands and into creeks, coves, and inlets, where the fast-sailing piratical craft goes to take in her stores, to land her unlawful cargo, or to escape observation or pursuit. For these purposes, it is obvious that one small steamer, like the several which the English government has been keeping constantly in active service on this station, of not more than nine or ten feet draft, and armed with a single long pivot gun, would be worth a whole fleet of ships of the line, frigates, or sloops, with batteries of the heaviest metal. Will it ever be possible to persuade our government at home, or the navy department, of this? I find by the records of this legation, that my predecessors have again, and again, and again, besought to have one or more such war-steamers sent out here; but in vain. I repeat, now, however, and most urgently, the request, and I entreat that it may be brought to the attention of the Secretary of the Navy.

I have said that the slave dealers are, at this immediate time, disposed to avail themselves of the advantage which these circumstances give to their use of the flag of the United States. None understand better than they do, how little power or preparation there is here, on the part of our government, for defeating or intercepting their enterprises. Within the last two weeks, two American fast sailing brigs have been fitted out and sailed from this port, cleared and freighted for the coast of Africa. There was every reason to believe, from the quality and assortment of goods taken by them, and from other suspicious facts, that their object is to trade for slaves. But there was no positive evidence. Our excellent consul did all he could, and he and I counselled together, to devise some pretext for breaking up their voyages. But after all delays which could be lawfully interposed, both vessels have gone. If there had been a man-of-war in the harbor, they might have been followed and searched outside; but that would not have afforded proofs on which to seize them, with any prospect, under our existing laws, of their condemnation by the courts at home. While the last one of these vessels was yet in the harbor, and subject to the jurisdiction of the local police, she was visited and searched by order of the minister of justice, but without finding anything that would justify detaining her, being an American vessel. Her cargo of goods and stores, adapted to the African slave trade, would perhaps have led to her seizure, if she had been an English or Brazilian ship, under the provisions of the treaty between those two nations. To show, however, her probable character, I may mention, that a subsequent search of the houses of the two Brazilian traders, whose names were found in the charter-party, resulted in such discoveries that they were arrested, and are now in prison.

The consul will probably give you a fuller and more detailed statement in regard to these particular vessels. I only refer to the cases, as both illustration and occasion for what I have said generally on the subject.

The copies of my correspondence with the consul, and with Commodore McKeever, which I enclose, (marked A 24, B 24, and C 24,) will show that I was on the look out, on another occasion, some months ago, for one of these piratical expeditions, projected by an American. In answer to the application, which you will observe I made then, the "Jamestown" was promptly sent up from Buenos Ayres, and remained in waiting here some time, to intercept the expected slaver. But the voyage, in that instance, in consequence of what occurred in New York, as I afterwards ascertained, to interrupt the preparation, was abandoned. The provisions and stores provided for the expedition, were also found by one of the British cruisers, (a small steamer,) concealed on an uninhabited island, near St. Catharines, and destroyed. Miller, though, the infamous wretch who was at the head of it, and whose arrest in the United States Mr. Todd had previously advised, on the depositions he had forwarded to your department, I am informed has since been in the city, no doubt concocting new and similar schemes.

From other points on this coast I hear also rumors and suspicions of preparation for renewing the infernal traffic.

We are proudly and justly jealous of our flag, and of the national rights which it represents. We will not permit our ships to be visited

and questioned in their goings and coming upon the ocean. Are we not under all the greater obligations, therefore, to see to it ourselves, that that proud flag, and the ships which it covers and protects, are not desecrated by prostitution to horrible and cruel uses? What are the remedies or means of prevention? They have been often discussed, but permit me to suggest what appear to me the most obvious, and as far as I can see, the only efficient. If I repeat some things which have been advised and urged by my predecessors at this court, (and particularly by Mr. Wise and Mr. Todd,) I beg leave to submit that such concurrence of views, after opportunities of information, should only have to give greater weight and consideration to our united testimony and conclusions.

1. All direct trade in the vessels of the United States, between Brazil and the Western coast of Africa, ought to be prohibited by act of Congress. Then no regular clearances, or ships' papers could be obtained, as if for honest voyages, to serve as a cover for the transfer of vessels to be used as slavers, after their arrival on the African coast. This prohibition, I admit, would be a strong measure; but none too strong, when it is considered that there is no really honest trade, or next to none, between these two coasts—none but what is in some way directly or indirectly connected with the commerce in slaves, or subject to be perverted into that channel. Lately, for example, a good many horses and cattle have been imported from the Cape of Good Hope to Rio de Janeiro. But the slave dealers are getting hold of that idea, and under the pretence of having to take in cargoes of brute beasts, find a pretext for providing themselves with an unusual supply of water, farinha, meal, and other stores suited for their intended human freight. They may, even, the better to hide their true object, take on board a few horses or cattle, and then, after clearing for Brazil, proceed securely up the coast on the other side, until they can find an opportunity for tumbling the less valuable animals overboard, to take bipeds in their place, and sail away with all the speed they can make, to some secret and unwatched harbor on this coast. A total prohibition of trade between the two coasts, would strike at the root of the mischief. And admitting that it interfered with some little present lawful trade, the good to be accomplished would far outweigh any trifling advantage, individual or national, to be derived from that. And there are other free fields enough, all the wide world and its oceans over, for the exercise of honest and harmless American commercial enterprise. If thought most advisable, the act of prohibition might be limited, for experiment, to a term of years.

2. If trade between Brazil and the coast of Africa were not entirely prohibited, the exportation from this country thither of certain classes, or specified articles of merchandize, suited only, or principally, to be used in the traffic for slaves, might be forbidden as unlawful. The cargoes, for example, taken from this port a few days ago, in the two brigs I have referred to, were made up in great part of pieces of scarlet cloth, rude musical instruments, knives, common guns and gunpowder, designed, no doubt, for that sort of barter with the natives. Still I would not rely much on such partial restriction. And moreover, it would be liable to serious objections. The articles prohibited might

be sent through other channels, and not directly from this country. And it would not do to exclude them entirely from the coast in American bottoms, because, although used in the trade for slaves, the same goods are also exchanged for palm oil, dye woods, ivory, gold dust, and other African productions intended for other markets.

3. Another and more effective means for preventing the abuse of our flag, would be an enactment prohibiting the granting of consular sea letters to American vessels sold on this coast, or on the coast of Africa, for any other purpose than to authorize them to make the voyage home. It might be well indeed, to declare all such sales, except under certain specified conditions, fraudulent and void. This would help to put an end to all the sham transfers, by which vessels are supplied to the slave importers, and would prevent also those actual purchases by foreigners in the assumed character of citizens of the United States, by which they secure to themselves, along with the property bought, the more important and valuable privilege of sailing still under American colors. Let such a law as this be made, and the perjuries which they can now always command to establish their citizenship and usual residence, would avail them nothing.

4. But if none of these new legislative enactments are made to break up altogether or restrict the trade in American bottoms, between the two coasts, and the government still relies upon mere physical force to compel an observance of the existing laws, or to bring the violators to justice, then by all means strengthen the power and efficiency of that force. I have already alluded to the absolute necessity of having at least one small war steamer constantly on this station. There ought indeed to be two or three attached to the squadron. But when our naval ships search and would seize a slaver, they have little encouragement to incur the responsibility. A commander is hardly justified in the risk of seizing and detaining one, as a prize, unless slaves are found actually on board. And it is too well known, that, adding murder to man stealing, slave captains, when closely pursued, and in fear of capture, have not hesitated to throw the wretched objects of their commerce into the sea, and thus destroy the only manifest proof of their guilt. To meet this difficulty, certain marks and circumstances should be made *prima facie* evidence of the unlawful character of the vessel and voyage. Let it be the law that a vessel found within certain latitudes, between the two coasts, having as part of her equipment certain specified articles, such as shackles or manacles, spare planks, suitable for fitting a slave deck, or an extraordinary quantity of water, or provisions, of the kind used to feed and subsist a slave cargo, shall be subject to seizure, and shall be condemned, unless satisfactory proof be furnished, on the part of the master or owner, that she was engaged in a lawful employment. The specifications and clauses to this effect, incorporated in the several treaties made by Great Britain with Spain in 1835, and with other powers at other times, might be consulted with advantage in the framing of an act.

But enough. I have extended this communication quite beyond any thing I designed when I began. But I am exceedingly anxious to attract to it your earnest attention, and to obtain for its consideration, at

this particular time for the reasons I have mentioned, not only your own wise and sagacious powers of mind and statesmanship, but the influence of the President and his administration, and, if possible, the action of Congress before the close of the present session.

Something must be done, beyond what is now provided for, if we would have it believed abroad that our government is really sincere in its desire for the suppression of the slave trade, and that our people mean what they say when they are accustomed to denounce it as piracy and a vile and unholy traffic. And, what is of far higher concern than the opinions of men, some more active and energetic measures must be taken, if we would clear our skirts as a nation, and acquit ourselves, as we better might, of the obligations we owe to God and the cause of humanity.

I have the honor to be, very respectfully, your obedient servant,  
ROBERT C. SCHENCK.

HON. DANIEL WEBSTER,  
*Secretary of State, Washington, D. C.*

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*Papers accompanying this dispatch.*

1. A 24, Mr. Schenck to Commodore McKeever, September 4, 1851.
2. B 24, Commodore McKeever to Mr. Schenck, October, 1851.
3. C 24, Mr. Schenck, confidential, to consul Kent, October 10, 1851.

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A 24.

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, September 4, 1851.*

SIR: I am in possession of information, confidentially communicated to me by his excellency the British minister at this court, that a vessel, destined for the slave trade, and abusing, for her protection, the flag of our country, is expected to arrive at this port from the United States about the middle of next month. She was to sail about the end of August, and will have on board as master a notorious slave trader, against whom much evidence is already on file at this legation. The proofs of her coming, and of her character and object, are too full to be doubted.

It is necessary that this vessel should be closely watched on her arrival here; and it may be that sufficient cause will be found to justify following and seizing her when she leaves this harbor to proceed upon her unlawful voyage. I deem it exceedingly important, therefore, and request that you will hasten your intended return, so as to be here before the time indicated for her arrival.

The *Susquehanna* expecting to complete her repairs, and sail before the end of this month, unless you come with the Congress, or send some other vessel of your squadron, there will be no American man-

of-war in this harbor, at a time when the aid and services of one may be most needed.

I am, sir, very respectfully, your obedient servant,

ROBERT C. SCHENCK.

Commodore ISAAC McKEEVER,

*Commanding United States squadron, coast of Brazil.*

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B 24.

Buenos Ayres, October, 1851.

SIR: Your communication of 29th August has been received, enclosing copies of correspondence between the minister of foreign affairs and the legation, in reference to an alleged violation of a port regulation, by the United States ship Jamestown.

I have taken such measures as will prevent a recurrence of the matter complained of.

I have also received your communication of the 4th ultimo, conveying the intelligence, transmitted by his excellency the British minister at Rio de Janeiro, that a vessel, destined for the slave trade and abusing for her protection the flag of our country, is expected to arrive at that port about the middle of the present month, and requesting the presence of one of our vessels of war, in order to take such measures as may prevent the prosecution of her unlawful voyage.

It was my intention, at first, to have proceeded myself upon this service, but the peculiar condition of affairs here has decided me to detail the Jamestown for the duty in question, and I have directed Captain Downing to consult with you in reference to the best means of effecting the proposed object.

With many thanks for the prompt manner in which you have communicated this intelligence, and with the hope that our efforts to prevent the abuse of our flag may be successful,

I have the honor to be, very respectfully, sir,

I. McKEEVER,

*Commanding U. S. Naval Forces, Brazil Station.*

His Excellency ROBERT C. SCHENCK,

*Envoy Extraordinary and Minister Plenipotentiary of the United States.*

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C 24.

[Confidential.]

LEGATION OF THE UNITED STATES,

*Rio de Janeiro, October 10, 1851.*

SIR: I have had information since about the first of last month, that a brigantine called the "John Adams," carrying the American flag, and with American papers, but destined for the slave trade, would arrive in this port from New York about the 15th of this month.

ard of her will be coming, as owner or master, that notorious  
 >trader, B. Miller, of whose sinnings in that way, heretofore, there  
 ready evidence on file in your consulate and at this legation. The  
 fs I have of his present contemplated cruise have been obtained  
 igh Mr. Hudson, the British minister at this court, by intercepted  
 rs, and revelations made by some of the accomplices, and are too  
 : to be doubted.

have mentioned the case to you before. My object in writing at  
 moment is simply to remind you that the time is approaching near  
 n we may expect the arrival of the vessel, and when a close watch,  
 ich a craft does appear in this harbor, must be kept upon her  
 ements, in order to discover any thing that may lead to the detec-  
 of her true character, and her seizure in that case, if it be possible.  
 have notified Commodore McKeever, at Montevideo, that the ser-  
 s of a vessel of his squadron may be needed to watch her motions,  
 if good reason appears, to follow her to sea; and I am daily ex-  
 ing his arrival, with the frigate Congress.

know that you will co-operate most heartily in all that can be done,  
 der to bring to justice this scoundrel Miller, or any concerned with  
 in his wicked attempt to prostitute the flag of our country. I rely  
 i you, therefore, to use the opportunities of your office to get the  
 est information and the most authentic, of the coming of such a  
 antine into this port; whether Miller is aboard of her or not, and  
 t character she assumes, and what papers she exhibits on her ar-  
 l.

et us catch and punish the wretch and his associates, if it can pos-  
 / be done. I think we may now, perhaps, have such an oppor-  
 ty.

will call at your office, in the city, to-morrow, and give you some  
 er particulars. In the mean time,

I am, very respectfully, your obedient servant,

ROBERT C. SCHENCK.

EDWARD KENT, Esq.,

*United States Consul, Rio de Janeiro.*

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No. 43.

*Mr. Schenck to Mr. Everett.*

[Extract.]

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, January 14, 1853.*

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 rmit me, also, at this time, to refer you to my No. 24, suggesting  
 ecessity of some further legislation by Congress, or the sending of  
 ferent sort of naval force to this station, to aid more effectually the  
 resson of the slave trade. That dispatch, probably, was not  
 ght to the notice of the President, or of the Secretary of the Navy.



I shall report to you, in a few days, an instance of flagrant disgrace to our flag, by being employed in that traffic, which has recently been detected here, under precisely the circumstances of which I then gave warning.

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No. 45.

*Mr. Schenck to Mr. Everett.*

[Extract.]

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, February 5, 1853.*

SIR: In my dispatch No. 43, I made allusion to a recent act of slave piracy committed by an American on this coast. I proceed now to give some more distinct explanation and statement of the transaction.

In my No. 24, on the 26th of last April, I made certain observations and suggestions in regard to the African slave trade, and expressed my fears that the abomination was about to be actively renewed, under the protection, and to the disgrace of our flag. I mentioned, as the immediate occasion for my writing on the subject at that time, that two American brigs had left this port under suspicious circumstances, intending, I had no doubt, to make slave voyages; although, under the existing laws, neither the consul of the United States nor I had any power to detain them, or means to intercept and defeat their nefarious purpose. I was not mistaken. Those apprehensions have been realized.

One of the vessels indicated, by the accidents of navigation on the African coast, as has been since ascertained, was prevented from getting her human cargo, and has returned to the United States. The other, the "Camargo," American, (I think from Portland, Maine,) with American flag captain, and crew, arrived on this coast again a few weeks ago, with five hundred blacks on board, whom she succeeded, by concert with persons on shore, in running in and landing at Bracuhy, a little, unfrequented port, a few leagues from this city. To avoid pursuit and detection, the brig was then burnt to the water's edge, and the hull scuttled and sunk; her captain (named Gordon) and his sailors scattered through the country and escaping. The negroes were hurried up into the mountains. About fifty of them have been found, and are in charge of the Brazilian authorities. Four of the sailors have been arrested and are now in prison here awaiting their trial. So also is Mr. George Marsden, a native and citizen of the United States, a resident in this city, who had been consignee of the "Camargo" when she was here in April. Captain Gordon has eluded pursuit, and got away, it is understood, to Montevideo, whence he has probably gone to the United States,

Perhaps I may hereafter obtain testimony upon which these villains can be prosecuted at home; or may, possibly, make an arrangement

in the imperial authorities, for sending two of the guilty seamen in prison, to be used as State's evidence in our court, for the indictment and conviction of Gordon. Mr. Consul Kent, who has probably made port to you of the transaction, will render me in this every possible assistance.

Immediately after hearing of the occurrence, I addressed myself to the minister for foreign affairs, asking him to procure for me such information and proofs as this government might be able to furnish, implicating citizens of the United States.

Enclosed are copies of my note, and the reply to it, which I have just received: (A 45, and B 45.)

I send a copy of one of the newspapers of this city, the "Correio Mercantil" of the 31st December, containing an article about this affair. I enclose also a translation of the same. The editor's comments upon the relation of the United States to the matter are severe; but, in the main, alas! too just and true. Our flag, as I have explained formerly, the one particularly chosen by these pirates and man-traders for disguise; and I fear that, unless something more effectual be enacted and done by Congress and the Executive, we must expect to see the increases of crime under its protection soon and often repeated.

But I have nothing to add now to what I urged so much at length in my dispatch of April. I give this present account of an outrage actually committed, as the best possible evidence that the suspicions and apprehensions I then expressed were not entertained without good reason.

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Hon. EDWARD EVERETT,  
*Secretary of State.*

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No. 82.—A 45.

LEGATION OF THE UNITED STATES,  
*Rio de Janeiro, December 31, 1852.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has read with much regret certain publications in the public journals of this city, from which it would appear that a cargo of blacks from Africa has been landed, within a few days past, at some point on the coast of this empire, and carried under the protection of an unlawful and armed force into the interior, to be held as slaves.

And it is a source of still deeper chagrin to see it reported that this excess, of those engaged in the infamous traffic, has been accomplished under the flag of the United States.

Desiring to do whatever may be possible to aid in the prevention or punishment of such offences, and particularly if committed by American citizens, desecrating, for that purpose, their national ensign, the undersigned addresses himself now to his excellency Paulino José Soares de Souza of the council of his Majesty the emperor, minister and secretary of state for foreign affairs, with a request to be furnished with whatever official or unofficial statements or proofs may be in possession

of his excellency in relation to this occurrence, and tending to show any vessel or citizen of the United States has been thus deterred from being employed.

Such information, if it cannot be availed of now, to prevent the outrage in this particular instance, may at least serve to enforce communication with which the undersigned will feel it his duty to call the attention of his government to the subject.

The undersigned renews to his excellency the assurances of his respect and distinguished consideration.

ROBERT C. SCHENCK

His Ex. PAULINO JOSE SOARES DE SOUZA, &c.

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B. 45.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,  
*Rio de Janeiro, February 1, 1851*

The undersigned, of the council of his Majesty, the emperor, minister and secretary of state for foreign affairs, has the honor to acknowledge the receipt of the note No. 82, which Mr. Robert C. Schenck, extraordinary and minister plenipotentiary of the United States of America, addressed him on the 31st of December last, in which, referring to certain publications made by the journals of this city, relating to the landing of Africans, which was effected lately under the flag of the United States, in one of the ports on the coast of the Empire, he asks to be furnished with whatever information or proofs that may be within his reach in connection with that fact, in as much as he is very desirous to operate on his part, in the prevention and punishment of similar crimes, particularly when committed by American citizens.

The undersigned regrets to have to communicate to Mr. Schenck in reply to his note aforesaid, that four sailors belonging to the crew of a slaver having been captured on the 4th of last month, two of whom were American citizens, they have deposed that said vessel (slaver) was a North American brig "Camargo," Captain Gordon; that she entered this port loaded on the 22d of October, 1851, proceeding from Calcutta; that on the 11th of April of last year, she sailed from Calcutta for the Cape of Good Hope, with a lawful cargo, dispatched with the same nationality by the American citizen George M. Schenck, who is also detained for the investigation, proceeding from the Cape of Mozambique and Quilemane, where she was armed, and received on board a cargo of five hundred Africans, who were landed at Beira on the coast of Angra dos Reis, on the 12th day of December, accompanied by the crew to the top of the mountain, and the vessel was set on fire on the same night of the landing.

Such is the scanty information which the undersigned can give at the present, to Mr. Schenck, the proceedings which have been instituted, not being yet fully organized, but as soon as the investigation has been brought to a close, the undersigned will not neglect to furnish

Schenck with more ample particulars in order that he may communicate the same to his government.

The undersigned renews to Mr. Schenck, the assurances of his perfect regard and distinguished consideration.

PAULINO JOSE SOARES DE SOUZA.

Mr. ROBERT C. SCHENCK, &c., &c., &c.

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[Translation of an editorial in the *Correio Mercantil*, of Rio de Janeiro, of December 31, 1852.]

When we gave yesterday the information we possessed respecting the landing of Africans at a point upon our coast, we said: "We are informed that this violation of law was perpetrated under the American flag."

"From subsequent information we have received, we can say, and we do so with regret, that it was the flag of the United States which covered this act of piracy, sustained by citizens of that great nation who, disobeying the orders of their government, and violating the laws of their country, do not blush to soil the glorious flag of their nation only with a view to the vile profits of this accursed traffic in Africans.

"If it is possible, for special considerations, to weaken the painful impression which all must feel at the sight of the perpetration of a great crime, such considerations exist for us in the reflection that it was not our flag which protected the crime perpetrated; and that even our authorities upon the coast can find an excuse for not having employed measures to prevent the landing of which we treat, in the absence of force at their disposal to resist the [capangas] of our capitalists, who will hence presume that they can do whatever they think proper for their particular interest.

"If the government of the American Union does not resolve to vindicate still more the honor of its flag; if its diplomatic agents, and those of its navy, have not their powers enlarged, or are not provided with means for prosecuting those who, against the laws of their own country, violate the laws of nations, the slave trade will recover new animation, and the American flag, which has assisted so much in the civilization of the world, while it continues to be respected as the representative emblem of a powerful nation, will lose both in dignity and glory. It is confidently stated that other speculations, like that of which we treat, will also be protected by the American flag; and even although the American minister should wish to employ all the means in his power to oppose the violation of the laws of the country which he so worthily represents, and should be assisted in this by the worthy commander of the squadron, how can they arrive at any profitable result, so long as they have at their disposal only a few ships of war, all of large size, and scattered over so vast a station as that of South America?

"In spite of all we must not be disheartened; let the imperial government continue to employ all the legal means at its disposal (and investigations to discover the crime and its perpetrators are legal) it possesses more than enough of means of force, which, employed with

caution, will bring to repentance those who dare abuse the laws to which they are subject, and whose violation can cause us much harm; injuring our reputation abroad, and retarding our prosperity.

"If the imperial government be assisted, as it should be, by the authorities; if among them be found the same energy which, they say, has been displayed by Señor Francisco Diego Pereira de Vasconcellos, chief of the police of the capital, (who, we are told, has already discovered the clue through which he will be able to find out those who are criminal on land, no matter to what class of society they may belong,) all the labor and expense of the last three years will not have been in vain, and the criminals will be arrested in their career.

"Not wishing to place any obstacles in the way of the researches of the criminal authorities, we are obliged to keep silence upon all we know; there will not be wanting, however, an occasion to inform our readers of all."





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REPORT  
OF  
THE SECRETARY OF THE INTERIOR,

IN ANSWER TO

*resolution of the Senate calling for the report of the examination and measurement of the materials and work furnished by contract for the Patent Office building, and a statement of the payments made under the act of August, 1852.*

MARCH 13, 1854.—Referred to the Committee on Public Buildings.

DEPARTMENT OF THE INTERIOR,  
Washington, March 10, 1854.

SIR: On the 24th ultimo I had the honor to receive a resolution of the Senate of the 23d ultimo, in the following words, viz: "*Resolved, That the Secretary of the Interior be and he is hereby directed to lay before the Senate the report of the examination and measurement made of the work and materials furnished by contract for the construction of the wing of the Patent Office building, as ordered by the act of August, 1852; together with a statement showing the amount of payments made on account of said contracts since the passage of said act.*" In answer to said resolution, I now transmit the following subscribed papers, viz:

A.—Copy of a letter of the First Comptroller of the Treasury, dated the 8th instant.

B.—Copy of a report of the Commissioner of Patents, dated the 10th ultimo, on the subject of "extra cube stone" used in the construction of granite work in the west wing of the Patent Office building.

C.—Copy of a report of Edward Clarke, assistant superintendent of Patent Office building, dated the 3d instant, in relation to extra cube stone for granite work in west wing of Patent Office.

No. 1 A.—Copies of vouchers—payments by William Easby, on account of east wing of Patent Office building, embracing a period of time between the 8th September, 1852, and 12th March, 1853.

No. 2 B.—Copies of vouchers—payments by B. B. French, on account of east wing of Patent Office building, embracing a period of time from July 15, 1853, to October 6, 1853.

No. 3 C.—Copies of vouchers—payments by B. B. French, on account of east and west wings of Patent Office building, embracing a period of time from December 31, 1853, to January 17, 1854.

No. 4 D.—Copies of vouchers—payments by B. B. French, on account of east wing of Patent Office building, embracing a period of time from January 31, 1854, to February 7, 1854.



No. 5 E.—Payments, and recapitulation of payments, on account of contracts for measurement of the work and material furnished on east and west wings of the Patent Office building, as contained in foregoing papers 1, 2, 3, and 4.

No. 6 F.—Copies of letters by First Comptroller to Commissioner of Public Buildings, of the 4th instant, and his reply thereto, dated the 6th instant, in relation to the subject of Senate resolution of the 23d ultimo.

I am, sir, with much respect, &c.,

R. McCLELLAND, *Secretary.*

Hon. D. R. ATCHISON,

*President of the Senate.*

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TREASURY DEPARTMENT,

*Comptroller's Office, March 8, 1854.*

SIR: In reply to your letter of the 24th ultimo, received the 25th, enclosing a copy of the resolution of the Senate of the 23d of same month, I beg leave herewith to transmit copies of the vouchers, being payments by William Easby, esq., late Commissioner of Public Buildings, and by B. B. French, esq., present Commissioner, to the contractors of the east and west wings of the Patent Office building, from and after August 31, 1852, to February 7, 1854, since which date no payment has been made. The aforesaid vouchers contain "the report of the examination and measurement made of the work and materials furnished by contract for the construction" of the wings, as certified by the sworn measurers, and also the amount receipted on each voucher. The whole statement is comprised in six series of papers attached, numbered and designated by the alphabet, from A to F, inclusive. Nos. 1, 2, 3, and 4 contain, respectively, the copies of the said vouchers; No. 5 embraces the amount of payments, and recapitulation of payments, in consecutive order.

As the resolution calls for amount of payments, I have caused to be made two columns—one of previous and the other of present payments, and also a total column. It will be perceived that the previous payments consist of advances made from time to time on the work as it progressed, and that the column of present payments comprises the nett balances due and paid after the measurement and completion of the work contained in a certain contract, or up to a specified time, as will appear by a reference to the vouchers.

As the west wing is now in course of construction, much of the retained per centage is due, and will be payable, in accordance with the practice and the terms of contracts, when the work shall be completed and accepted; therefore I have not included in the list of payments the amount of the retained per centage, although it appears on the vouchers in each case.

No. 6 contains a copy of a letter from this office, of the 4th instant, to Commissioner French, inquiring whether he had other payments applicable to the resolution not rendered in his account, and his reply of

he 6th, with the information that all vouchers certified by sworn measurers had been returned with his accounts to the treasury.

In the act of August 31, 1852, (Session Laws, page 93,) is an appropriation "of one hundred and three thousand dollars for completing the east wing of the Patent Office. Specific directions are given for measuring the work and materials; and it was made the duty of the Comptroller of the Treasury to arrest and stop any voucher not made in form and in accordance with the terms of the contract against which it was drawn."

Immediately after the passage of the clause cited, I was consulted as to the form of the certificate to be given by the sworn measurer, and I adopted one in the following words: "I hereby certify that I have examined and measured the work and materials embraced in the foregoing estimate, according to a provision in the first section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct;" to be signed by the sworn measurer. This form was brief, but comprehended all *that* part of the law required.

This certificate has been given by the measurer on all the work and materials embraced, for which payments have been made within the provisions of the clause mentioned. In copying the papers, there may be such a transposition, in some instances, of them as to place the receipts before the certificates, but it will be found the certificates by their dates authorized the payments. They were copied as they were on file with the accounts.

It has been the object of this office to carry said clause of the law of August 31, 1852, fully into effect.

Most sincerely, yours,

ELISHA WHITTLESEY.

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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WASHINGTON, *February 20, 1854.*

SIR: I have the honor to report the result of my inquiries relative to the price proper to be paid for what is known as "extra cube stone," used in the construction of the granite work on the west wing of the patent office. The contract fixes the price of "cube stone," that is to say, of stone only one foot deep in the wall; but after the contract was signed, it was thought expedient that the granite facing should extend deeper than one foot. For this increased depth no provision was made in the contract, and the price of this "extra cube stone" is now to be fixed. The act of 31st of August, 1852, provides, that the contractor in such cases shall be paid a pro rata price "for materials only," that is to say, that he shall receive for such extra work a price proportionate to the general scale of prices paid for other things as fixed by the contract.

Mr. Harkness has attempted to solve the problem thus presented, by deducting the price paid for nine inch ashler, from that paid for cube stone, thus ascertaining the price at which the extra three inches on the back part of this latter was rated in the contract. In this manner he

reaches the conclusion that the *pro rata* price for extra cube granite is \$1 20 per foot.

This would have been a just mode of computation, if the prices paid for *ashler* and for *cube stone* had been graduated with mathematical precision. But a slight knowledge of the history of the letting of this contract will satisfy any one, that if the prices of these two kinds of stone are at all accurately graduated, it is wholly accidental. Mr. Clark, the architect, has arrived to about the same conclusion with Mr. Harkness, by a more simple, and more satisfactory process. The contract price for each foot of cube stone, including the dressing of one of its faces, is \$1 50. Mr. Clark calculates that the dressing of this face would not, at a liberal allowance, exceed 30 cents, leaving \$1 20 as the price paid for the undressed stone, or in other words, the price of one foot of material placed in the wall.

On the other hand, the late Commissioner of Public Buildings calculated the fair value of extra cube stone at 50 cents per foot, and thinks the contractors entitled to no more. In this I think him clearly mistaken.

If by "the *pro rata* price of materials," we are to understand the value of the stone as it lies in the quarry, before any labor whatever has been expended upon it, fifty cents per foot is much too large; but that would certainly be very unreasonable, and, therefore, unjust way of reckoning on this matter. The granite must be quarried, transported, dressed to the proper thickness and length, and then laid in the wall. If you can ascertain the *pro rata* value of the materials when thus prepared and placed in the wall, it seems to me we have the just rule of the price that should be allowed.

Now, in the first place, fifty cents per foot is altogether less than the price for which the rough granite can be delivered at the railroad depot. After much investigation, I am disposed to think that the lowest probable price for which such stone could be so delivered, would be from sixty to eighty cents per foot, according to the size of the stone.

Capt. Meigs informs me, that for some rough granite used upon the capitol, and not provided for in the contract, eighty cents per foot was allowed to the contractors. From examination of the sub-contracts made by the present contractors, I am satisfied that their rough granite, delivered at their yard, will cost them about seventy cents per foot, and I should be inclined to think that this might be regarded as about the fair standard of the cost of rough granite at the yard. Now, it is estimated that in dressing stone there is a waste of about thirty per cent., so that a stone of ten cubic feet, measured in the rough, will be reduced to seven when dressed. The rough stone of seventy cents per foot, would cost seven dollars—the dressed stone, to be worth the same price must be reckoned at one dollar per foot.

But even this contemplates no compensation for hauling to the building, handling, &c. To meet all these contingencies, it is laid down in standard works on this subject, that if you measure the finished stone delivered at the building, the price should be fifty per cent. greater than that of the rough stone delivered at the depot, or on the wharf, in order to compensate for waste, hauling, and handling. And even after this, an additional compensation is to be allowed for raising and setting the

tone; if, then, we take seventy cents per foot for the price of the rough stone delivered at the depot, by adding fifty per cent. we shall have \$1 05 as the price of the dressed, delivered at the building, and fifteen cents more would not be an extravagant price for raising and setting. I am, therefore of the opinion, that \$1 20 per foot for extra cube stone is not an exorbitant price, and I believe it should be allowed in the present case.

Yours very respectfully

C. MASON.

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

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SUPERINTENDENT'S OFFICE, PATENT OFFICE BUILDING.

March 3, 1854.

SIR: In compliance with your request, I have the honor to submit the following as my reason for having concluded that the price fixed on the extra cube stone embraced in the estimate of Mr. J. C. Harkness, for the granite work of Messrs. P. & G. Berry, for the west wing of the Patent Office building, is correct.

The contract allows \$1 50 per superficial foot for the "plain faced cube stone," that is, stone the depth of which is *one foot* on the bed. It was found that one foot was too narrow for the basement story, consequently, six *inches* were added.

This of course was added six inches of rough material to the stone, named in the contract. The stone thus added, forms the item of "extra cube stone" in question.

The law of 31st of August, 1852, provides: "That if it be shown that any extra materials are used, they to be rated at the pro rata price for materials only."

This I understand to mean, that the same price should be paid for the six inches added as is paid for the rough material on the first foot, for which there is a specified price in the contract.

I find that working the fine face is worth 30 cents per superficial foot, and after having deducted that from the contract price for plain face cube stone, we have \$1 20 for the rough material in the first foot. In conclusion allow me to add, that in my opinion, this is a fair pro rata price.

Very respectfully, your obedient servant,

EDWARD CLARK,  
*Asst. Sup. Pat. Office Building.*

Hon. ROBERT McCLELLAND,  
*Secretary of the Interior.*

## No. 1 A.

*Copies of vouchers; payments by William Easby, on account of east wing of the Patent Office building, embracing a period of time from 8th of September, 1852, to 12th of March, 1853.*

Payments by William Easby, Commissioner of Public Buildings, on account of contracts for east wing of the Patent Office building, on the certificates and measurements of work done as certified by J. C. Harkness and Edward Clark, sworn measurers, and allowed in *First Auditor's report*, No. 110,808, and vouchers, with the dates specified, as follows: after 31st of August, 1852.

*Abstract No. 18.—Voucher No. 8, September 8, 1852.*

OFFICE OF SUPERINTENDENT, PATENT OFFICE BUILDING,

*August 27, 1852.*

SIR: This is to certify that I have measured the work done, and materials furnished, by Provost, Winter & Co., at the portico of the east wing of the Patent Office building; also, the tiling done by them at the same building, and find the result as follows, viz:

6,541 feet, cubic, marble in columns, at \$3 60.....	\$23,547 60
3,280 feet, superficial, faced work, marble in columns, at 75 cents.....	2,460 00
2,670 feet, superficial, beds and bills, marble in columns, at 60 cents.....	1,602 00
1,242 feet, lineal, flutes, 2 columns, at 90 cents.....	1,117 80
267 feet, superficial, faced work on the capitals, at \$2..	534 00
90 feet, superficial, faced work on two abacuses, at 50 cents.....	45 00
756 feet, superficial, faced work, cubic stone in cheek block, at \$1 28.....	737 28
850 feet, superficial, beds and bills, at 28 cents.....	238 00
53 feet, superficial, front door sill, at \$1.....	53 00
189 feet, superficial, fine faced cube stone in two plinths, and two blocks for flooring of portico, at \$1 28 cents	241 92
250 feet, superficial, beds and bills, at 28 cents.....	70 00
10,705 feet, superficial, filling in saloon and principal story, at \$1 25.....	13,381 25
48 inside window sills.....	528 00

44,555 85

Deduct payment made on this account..... 21,916 80

22,639 05

EDWARD CLARK,

*Assist. Supt. Patent Office Building, and Sworn Measurer.*

WILLIAM EASBY, Esq.

*Commissioner of Public Buildings.*

SEPTEMBER 8, 1852.

From the above is to be deducted the amounts already paid, on account of the portico and tiling.

Received, Washington, September 8, 1852, of William Easby, twenty-two thousand six hundred and thirty-nine dollars and five cents, in payment of this estimate.

PROVOST, WINTER &amp; CO.

(\$22,639 05.)

Having examined the measurement of the foregoing bill, I find the same to be correct.

THOMAS U. WALTER.

SUPERINTENDENT OF PATENT OFFICE BUILDING.

*Washington, D. C., September 1, 1852.*

I hereby certify that I have examined and measured the work and materials embraced in the foregoing estimate, according to a provision in the first section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARK,

*Asst. Supt. Patent Office Building, and Sworn Measurer.**Payments made in 1852.*

February 3, on account of tile .....	\$5,000 00
March 4, on account of portico .....	5,785 20
April 16.....do.....	7,131 60
May 15.....do.....	4,000 00
	<hr/>
	21,916 80
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*Voucher No. 12, September 9, 1852.*

I hereby certify that I have carefully measured the granite work furnished by Messrs. P. & T. Berry to the east wing of Patent Office, since the date of my last estimate; said work being done in the best manner, and is actually set; and find the following quantities, viz:

1,879 feet, superficial, fine face cube stone, \$1 50.....	\$2,818 50
3,043½ feet, superficial, of beds and builds, at 30 cents..	913 00
411½ feet, superficial, of extra cube stone, at \$1 20...	493 90
2,605½ feet, superficial, of platforms and door-sills \$1..	2,605 66
6 holes cut in platforms and rabets to door-sills, at \$15..	90 00
505 feet, superficial, of steps, at 78 cents .....	393 90
115 feet, lineal, of 2 by 1 inch rabets, at 70 cents.....	80 50
50½ feet, lineal, of 1.6 by 0.6 inch rabets, <i>rough</i> , at \$1..	50 66

3 large cheeks, at \$2 50.....	\$7 50
53 iron clamps fitted, at 50 cents .....	26 50
	<hr/>
	7,480 12
Cash on the above, May 24.....	3,500 00
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Balance due.....	3,980 12
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Respectfully submitted,

JOHN C. HARKNESS,

*Sworn Measurer.*

Examined and found correct.

EDWARD CLARK,

*Assistant Superintendent.*

MAY 22, 1852.

I certify that the above measurement and estimate are in strict conformity with the contract.

JOHN C. HARKNESS, *Sworn Measurer.*

SEPTEMBER 9, 1852.

Received, September 9, 1852, of William Easby, Commissioner Public Buildings, three thousand nine hundred and eighty dollars and twelve cents, in payment of the above balance.

\$3,980 12.

P. & T. BERRY.

I certify that I have examined the work embraced in the within estimate, and have measured it according to a provision in the first section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that the estimate is correct.

JOHN C. HARKNESS, *Sworn Measurer.*

*Voucher No. 15.*

SUPERINTENDENT'S OFFICE, PATENT OFFICE BUILDING,

*September 4, 1852.*

This is to certify that Messrs. Flaherty & Sibery have done plastering and furnished materials for the same, in the best manner, at the east wing of the Patent Office building equivalent to the following, viz:

1,046 yards at 17 cents.....	\$177 82
544 yards at 25 cents, circular.....	136 00
300 superficial feet circular mouldings, bands, at 30 cents.....	90 00
690 superficial feet cornice at 25 cents.....	172 50
	<hr/>
	576 32
Retain 5 per cent.....	28 81
	<hr/>
	547 51
	<hr/>

EDWARD CLARK,

*Assistant Superintendent Patent Office Building and Measurer.*

received payment, say \$547 51, September 11, 1852.

J. FLAHERTY,  
WM. SIBERY.

W. EASBY, Esq.,  
*Commissioner of Public Buildings.*

*Abstract No. 19.—Voucher No. 4, September 18, 1852.*

SUPERINTENDENT'S OFFICE, PATENT OFFICE BUILDING,  
September 18, 1852.

R: This is to certify that Messrs. Brown & Sioussa have done the wing plastering and furnished materials for the same, at the east of the Patent Office building, in the best manner, to wit:

8 yards at 25 cents .....	\$864 50
6 yards at 17 cents .....	827 22
0 superficial feet circular bands at 30 cents .....	180 00
0 superficial feet cornice bands at 25 cents .....	345 00
	<hr/>
	2,216 72

in which is to be deducted amounts in former estimates, viz: •

4 yards at 25 cents .....	\$728 50
0 yards at 17 cents .....	649 40
	<hr/>
	1,377 90

Balance .....	838 82
Retain 5 per cent. ....	41 94
	<hr/>
	796 88

Examined and found correct,

EDWARD CLARK,

*Assistant Sup't. of Patent Office Building and Measurer.*

WILLIAM EASBY, Esq.,  
*Commissioner of Public Buildings.*

Received, September 18th, 1852, seven hundred and ninety-six dollars and eighty-eight cents, in payment of the above.

BROWN & SIOUSSA.

*Voucher No. 5.*

R: I hereby certify that I have carefully measured the granite work furnished by Messrs P. & T. Berry, to the east wing of the Patent Office, since the date of my last estimate, (May 22, 1852,) all of the work and material is done in the best manner, and is actually in the building, and find the following quantities, viz:—



5,651½ feet, superficial, of platforms and door-sills, at \$1..	\$5,651 66½
20-holes cut in platform, with rabets to do., at \$15 each .....	300 00
34 iron clamps, fitted and leaded in, at 50 cents....	17 00
10 cheeks to door-sills and mitre-joints, at \$2 50....	25 00
2,056 feet, superficial, cube stone, fine face, to floor of portico, and curb to coal slide, at \$1 50.....	3,084 00
409 feet, superficial, beds and builds to portico, at 30 cents .....	122 70
18½ feet, extra, cube to do., at \$1 20.....	22 20
10 cheeks, to stone, fitted to bases of columns, at \$2 50 .....	25 00
40 feet, lineal of rabet, cut to front stone of portico and for the ends of curb to coal slide, at 70 cents,	28 00
	<hr/>
	9,275 56½
	<hr/>

Respectfully submitted,

JOHN C. HARKNESS, *sworn Measurer.*

WILLIAM EASBY, Esq.,

*Commissioner of Public Buildings.*

Examined and found correct,

EDWARD CLARK,

*Assistant Superintendent Patent Office Building.*

SEPTEMBER 15, 1852.

Received, September 18, 1852, of William Easby, Commissioner of Public Buildings, nine thousand two hundred and seventy-five dollars and fifty-six cents, in payment of the above.

P. & T. BERRY.

*Voucher No. 12.*

SUPERINTENDENT'S OFFICE, PATENT OFFICE BUILDING,  
*October 5, 1852.*

SIR: This is to certify that Messrs. Flaherty & Sibery have done the following work, and furnished materials for the same, at the east wing of the Patent Office building in the best manner, viz:

300 superficial feet circular mouldings (bands) at 30 cents,	\$90 00
690 superficial feet circular cornice, at 25 cents .....	172 50
	<hr/>
	262 50
Retain 5 per cent.....	13 12
	<hr/>
	249 38
	<hr/>

I certify that I have examined and measured the work and materials embraced in the foregoing estimate, according to a provision in the

section of the act of August 31, 1852, relating to the east wing of Patent Office building, and that it is correct.

EDWARD CLARK,

*Asst. Supt. Patent Office Building, and Sworn Measurer.*

WILLIAM EASBY, Esq.,

*Commissioner of Public Buildings.*

received payment—say \$249 38.

WILLIAM SIBERY,  
J. FLAHERTY.

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*Voucher No. 15.*

SUPERINTENDENT'S OFFICE, PATENT OFFICE BUILDING,  
*October 15, 1852.*

BE: This is to certify that Messrs. Provost, Winter & Co., have  
and set in the east wing of the Patent Office building and the  
co of same, the following marble work, and furnished materials  
the same, since the date of my last estimate (August 27) in the best  
manner, viz :

10 cubic feet marble, in two abacusses of columns, at \$3 60.....	\$324 00
10 superficial feet faced-work to ditto, \$50.....	45 00
2 lineal feet fluting, (two columns,) \$90.....	1,117 80
10 superficial feet tiling, at \$1 25 .....	3,500 00
	<hr/>
	4,986 80
	<hr/>

certify that I have examined and measured the work and materials  
furnished in the foregoing estimate, according to a provision in the  
section of the act of August 31, 1852, relating to the east wing of  
Patent Office building, and that it is correct.

EDWARD CLARK,

*Asst. Supt. Patent Office Building, and Sworn Measurer.*

WILLIAM EASBY, Esq.,

*Commissioner of Public Buildings.*

received October 18, 1852, of William Easby, Commissioner of  
Public Buildings, four thousand nine hundred and eighty-six dollars and  
eighty cents, in payment of the within estimate.

PROVOST, WINTER & CO.

## Voucher No. 17.

<i>The Commissioner of Public Lands to P. and T. Berry,</i>		<i>Dr</i>
For 740½ feet (superficial) plain face cube stone, (capings,) at \$150.....	\$1,111 00	
269½ feet (superficial) beds to cube stone, at 30 cents,	80 80	
5,185 feet (superficial) of steps, at 78 cents .....	4,044 30	
1,160 feet (lineal) of rabot to cube stone, at 70 cents..	812 00	
460½ feet (superficial) of platform cube stone, at \$1..	460 33	
567 feet (lineal) of curb stone, at \$1 50.....	850 50	
	<hr/>	
	7,358 93	
Deduct for setting and handling, 5 per cent.....	367 95	
	<hr/>	
	6,990 98	
	<hr/>	

I certify that I have examined and measured the work and materials embraced in the foregoing estimate, according to a provision in the first section of the act of August 31, 1852, relating to the east wing of the Patent Office, and that it is correct.

JOHN C. HARKNESS *Sworn Measurer.*

OCTOBER 19, 1852.

N. B.—The above work is prepared in the best manner, and delivered at the building, but not set.

J. C. H., S. M.

The reason Messrs. P. and T. Berry have not set the above granite work is on account of the marble work of the portico not being sufficiently advanced for their work. I have therefore deducted 5 per cent. for setting. I have examined the above bill and found it correct.

EDWARD CLARK,

*Asst. Supt. Patent Office Building.*

Received October 21, 1852, of William Easby, Commissioner of Public Buildings, six thousand nine hundred and ninety dollars and ninety-eight cents.

P. & T. BERRY.

## Voucher No. 21.

<i>The Commissioner of the Public Buildings to D. Finch &amp; Son.</i>		<i>Dr</i>
94 yards of 4 foot plain painting to the skylights in the roof of the east wing of the Patent Office, at 20 cents....	\$18 80	
212½ yards 2 coats plain painting to the interior wood work of the east wing, at 10 cents.....	20 25	
2,162½ yards of one coat of plain painting, at 5 cents.....	108 14	
192½ yards of oak graining to water-closet room, at 31 cts..	59 56	
192 lights of glazing to four large circular skylights, and bedded and back puttied, at 30 cents.....	57 60	

16 lights 10 by 14 glass and glazing to small skylight in old roof, at 20 cents.....	\$3 20
52 lights 12 by 16 glass and glazing to two stay transoms, at 37½ cents.....	19 50
23 lights 12 by 16, glazing only, at 12½ cents.....	2 87
38 lights 7½ by 18, glass and glazing basement transoms, at 40 cents.....	15 20
2 lights 7½ by 18, glazing only, at 10 cents.....	20
	<hr/>
	305 37
Retain 10 per cent.....	30 53
	<hr/>
	274 84

I hereby certify, that I have examined the work embraced in the foregoing estimate, and have measured it according to a provision in the 1st section of the act of Congress, approved August 31, 1852, relating to the east wing of the Patent Office building, and that the estimate is correct.

JOHN C. HARKNESS,

*Sworn Measurer.*

OCTOBER 27, 1852.

I have examined the above bill and found it correct.

EDWARD CLARK,

*Assistant Superintendent of Patent Office Building.*

Received payment, October 29, 1852—say \$274 84.

D. FINCH & SON.

*Voucher No. 22.—For east wing of the Patent Office.*

*The Commissioner of the Public Buildings to Francis Mohun.*

DR.

17,258 feet (super.) of ¾ N. C. flooring and sleepers, at 9 cents.....	\$1,553 22
30,92½ feet lineal of washboard moulding, at 5 cents...	154 63½
51 inside doors to the basement and principal stories trimmed complete, measured and averaged, at \$16 40.....	\$836 40
double thick outside doors to cellar, at \$13 72.....	82 32
main entrance door, principal story.....	80 08
entrance doors to the basement, at \$73 11.....	438 66
	<hr/>
	1,437 46
Deduct from amount of doors, per supplemental contract of the 13th of January, viz: 16 per cent.....	229 99
	<hr/>
	1,207 47

40 sett of $\frac{1}{4}$ doubled moulded inside shutters to gallery windows, averaged at \$46 11	\$1,844 40	
1,938 $\frac{3}{4}$ feet (lineal) of band mouldings to the windows of the basement and principal stories at 5 $\frac{1}{2}$ cents.....	109 05	
35 sett of plinth blocks to do., at 60 cents..	21 00	
83 feet (lineal) of $\frac{1}{4}$ back square, to 3 windows, at 6 cents.....	4 98	
2 double box frames in the west end of gallery and principal story, including sash, jambs, and architraves, at \$20 05.....	40 10	
	<hr/>	
	2,019 53	
Deduct from amount of windows per supplemental contract, 25 per cent.....	504 88	
	<hr/>	\$1,514
3,144 $\frac{3}{4}$ feet (lined), $\frac{1}{4}$ base and plinth to the inside of the basement rooms, and to the rooms and passages of the principal story, at 28 $\frac{1}{2}$ cents.....	896 23	
2,889 $\frac{1}{2}$ feet of grooved under washboard, at 6 cents.....	173 36	
252 feet of iron angle strips, put up at 8 cents.....	20 16	
18 $\frac{1}{2}$ feet of wood angle ledge, at 11 cents...	2 07 $\frac{1}{2}$	
8 small $\frac{1}{4}$ moulded panel doors, to the small cistern closets and reservoirs, at \$4 12	32 96	
5 $\frac{1}{4}$ double moulded pannel doors, and their trimmings, in the room fitted for water-closets, at \$10 51.....	52 55	
632 feet (super.) wainscotting to walls of water closets, at 10 cents.....	63 23 $\frac{1}{2}$	
92 feet, lineal, of moulded caping to wainscotting, at 10 cents.....	9 20	
291 $\frac{1}{2}$ feet, superficial, of partition and ceiling to water closets, at 12 cents.....	34 98	
227 feet ceiling, joint-beam, and braces, at 5 cents.....	11 35	
12 $\frac{1}{2}$ feet, lineal, of grooved ceiling strips, $\frac{3}{8}$ at $\frac{2}{3}$ cents, 24 $\frac{1}{2}$ , $\frac{1}{2}$ at $\frac{1}{2}$ cent.....	1 72	
210 feet, lineal, of grounds to wall under wainscotting, at 6 cents.....	12 60	
5 $\frac{1}{2}$ feet, superficial, fine lattice work, ceiling of water closet, at 30 cents.....	1 55	
6 small trap doors, formed in floors and ceiling of water closet, at 40 cents.....	2 40	
15 boards and backs to water closets, made portable, at 20 cents.....	3 00	
12 seats and rivers and fixtures to water closets, at \$3 04.....	36 48	

ressed, 3 by 5, post to partition, nts.....	\$0 99	
lar sky-lights complete, includ- inside sash and curb to partition, 75 cents.....	315 80	
erficial, square sky-light on old 20 cents.....	3 60	
dder to trap door of roof, at 35 .....	2 10	
fitted, washboards with fillets to s, at 50 cents.....	15 50	
uperficial, of sides and bottoms voirs, at 20 cents.....	60 90	
erficial, of $\frac{1}{4}$ facings to one reser- 15 cents.....	2 25	
	<hr/> 1,754 93	
1 the above, per supplemental t, not being specified in the contract, viz: 20 per cent.....	350 98	\$1,403 95
	<hr/>	<hr/> 5,833 92 $\frac{1}{2}$
5 per cent.....		291 68
		<hr/> 5,542 24

certify that I have examined the work embraced in the estimate, and have measured it according to a provision in one of the acts of Congress approved August 31, 1852, and the estimate is correct.

JOHN C. HARKNESS,  
*Sworn Measurer.*

27, 1852.

examined the above bill and find it correct.

EDWARD CLARK,  
*Assistant Superintendent Patent Office building.*

29, 1852.

pay of the above sum, five thousand five hundred and  
dollars and twenty-four cents, this 30th October, 1852.

FRANCIS MOHUN.

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Voucher No. 23.

INTENDENT'S OFFICE, PATENT OFFICE BUILDING,  
*October 30, 1852.*

measured the stone furnished to the east wing of the Patent  
Office by Timothy O'Neill, and find as follows, viz :

192 perches and 17 feet large stone in basement of portico and foundations of check blocks, at \$2 30.....	\$443 13
50½ small stone, in foundations of steps and coal vault, at \$1 75.....	88 37½
	<u>531 50½</u>

I certify that I have examined and measured the materials embraced in the foregoing estimate, according to a provision in the 1st section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARK,

*Assistant Superintendent Patent Office buildings.*

WILLIAM EASBY, Esq.,

*Commissioner Public Buildings.*

Received payment, November 1, 1852, say \$531 50.

TIMOTHY O'NEILL.

*Abstract No. 20.—Voucher No. 4, dated November 11, 1852.*

SUPERINTENDENT'S OFFICE, PATENT OFFICE BUILDING,

*November 10, 1852.*

SIR: This is to certify that Messrs. Provost, Winter & Co. have done, and set in the best manner, the following marble work, and furnished materials for the same, at the east wing of the Patent Office building, since the date of my last estimate, October 15, 1852, viz:

1,457 cubic feet large stone in architraves of portico, at \$3 60	\$5,245 20
825 superficial feet fine faced work to ditto, at \$1.....	825 00
1,548 superficial feet beds and bills to ditto, at 28 cents ..	433 44
621 lineal feet fluting one column, at 90 cents.....	558 90
4,660 superficial feet German tiles in passages of basement story.....	1,351 40
	<u>8,413 94</u>
Retain 20 per cent.....	1,682 79
	<u>6,731 15</u>

WILLIAM EASBY, Esq.,

*Commissioner of Public Buildings.*

Paid in conformity with instructions from the Department of the Interior of November 10, 1852.

Received, November 11, 1852, of William Easby, Commissioner of Public Buildings, six thousand seven hundred and thirty-one dollars and fifteen cents on the above account.

\$6,731 15.

PROVOST, WINTER & CO.

certify that I have examined and measured the work embraced in within estimate, according to a provision in the 1st section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARK,

*Assistant Superintendent Patent Office building and sworn Measurer.*

The above prices are in accordance with the contract and the customs of measurement, and I hereby certify the same to be correct.

THOMAS U. WALTER.

*Sup't Patent Office Building.*

WASHINGTON, D. C., Nov. 11, 1852.

Voucher No. 10, dated December 8, 1852.

SUPERINTENDENT'S OFFICE,

*Patent Office, December 7, 1852.*

BE: This is to certify, that Messrs. Provost, Winter & Co. have done, in the best manner, the following marble work, and furnished materials for the same, since my last estimate, (November 10, 1852,) at east wing of the Patent Office building, viz:

71.4 cubic feet large stone for architrave of portico, at \$3 60.....	\$3,496 80
25.3 superficial feet fine face work to ditto, at \$1.....	825 25
11.4 superficial feet beds and bills to ditto, at 28 cents..	123 59
39.0 superficial feet face work to each metopes in freize, at \$1 24.....	\$48 36
4.5 superficial feet extra cube stone in ditto, at \$1 50.....	6 62½
Amount for each metopes .....	54 98½
15 metopes in freize, \$54 98½ each .....	824 77½
17 triglyphs, at \$27 each .....	459 00
30 superficial feet bottom rolled cornice, at \$2 11.....	2,067 80
20 lineal feet drops, at \$2 .....	840 00
21 lineal feet fluting (one column) at 90 cents.....	558 90
30 superficial feet black and white tiling in saloon, at \$1 25 4,250 00	
	13,446 09½
Retain 20 per cent.....	2,689 22
	10,756 87½

certify that I have examined and measured the work and materials embraced in the foregoing estimates, according to a provision in 1st section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARK,

*Asst. Sup. Pat. Office building, and Sworn Measurer.*

WM. EASEY, Esq., Com. Pub. Build.



Received, December 8, 1852, of Wm. Easby, Commissioner of Public Buildings, ten thousand seven hundred and fifty-six dollars and eighty-seven cents, on account of the above.

(\$10,756 87.)

PROVOST, WINTER & Co.

*Abstract No. 22.—Voucher No. 2, dated January 11, 1853.*

*Wm. Easby, Commissioner of Public Buildings, to Francis Mohun, Dr.*

2,481½ feet (superficial) roofing to east portico, at 10 cents.....		\$248 51
214½ feet (superficial) rib centres to arches in frieze of portico, at 9 cents.....		19 29
1,762 feet, lineal, of skirting moulding, at 5 cents.....		88 10
39 feet, lineal, straight mahogany handrail, at 68 cents.....		26 52
47½ feet, lineal, circular mahogany handrail, at \$1 05 ..		49 87½
		<hr/> 431 93½
1,203 feet, lineal, hand moulding to gallery windows, at 5½ cents .....	\$67 67	
Deduct, per supplemental contract for windows, 25 per cent.....	16 92	
		<hr/> 50 75
1,762 feet of base and plinth to saloon basement halls and staircases, at 28½ cents per foot..	502 17	
8 ventilating registers fitted, at 50 cents.....	4 00	
200¾ feet of plain pilaster to basement hall door, at 12½ cents per foot.....	25 08½	
28 base blocks to pilasters, at 35 cents.....	9 80	
Connecting sash doorway between new and old building, second story, including the removal of the old work, and fixing up temporary bulkhead.....	90 87	
2 circular conic skylights and curbs to do. in the saloon floors, at \$38 50 each.....	77 00	
45 feet of carpet sills, to outside doors, at 15 cents.....	6 75	
1 battened door and frame to vault.....	7 09	
1 circular front and shelf to wash basin in water closet.....	3 50	
	<hr/> 726 26½	
Deduct, per supplemental contract, 20 per cent..	145 25½	
		<hr/> 581 01
		<hr/> <hr/> 1,063 69

I hereby certify, that I have examined the work embraced in the foregoing estimate, and have measured it according to the provisions of

1st section of the act of Congress approved August 31, 1852, relating to the east wing of the Patent Office building, and that the estimate is correct.

JOHN C. HARKNESS, *Sworn Measurer.*

JANUARY 10, 1853.

The work embraced in this estimate finishes the carpenter work of east wing. It is not as yet all put up, owing to the detention caused by the drying of the large room. I should advise that 10 per cent. be retained, until the work is done, on the within bill.

EDWARD CLARK,

*Assistant Superintendent Patent Office Building.*

JANUARY 10, 1853.

Amount brought over.....	\$1,063 67
Deduct (near) 10 per cent.....	105 03
	<hr/>
	958 64

This account was not examined at the commissioner's office until it had been paid, the small error will be corrected in the deduction.

J. P. I.

Received of William Easby, Commissioner of Public Buildings, nine hundred and fifty-eight dollars and sixty-four cents, being in full of the within bill, less ten per cent., retained until the whole shall be completed.

958 64.

FRANCIS MOHUN.

*Voucher No. 3.*

Duplicate bill of carpenter's work on east wing of Patent Office, as J. C. Harkness' measurement.

2, January 26, general bill.....	\$13,528 08
March 24, do. ....	5,015 58½
October 27, do. ....	5,833 92½
3, January 10, do. ....	1,064 05
	<hr/>
	25,441 63

Amount retained per C. .

I certify the above bill to be correct, according to the measurements and dates as above.

EDWARD CLARK,

*Assistant Superintendent Patent Office building.*

*Credit by the following:*

1, October 22, cash.....	\$1,500 00
June 15, do. ....	1,300 00
July 1, do. ....	45 50
October 18, do. ....	1,642 91

1851, July 23, cash.....	\$2,616 23	
" December 8, do. ....	3,000 00	
1852, January 14, do. ....	3,000 00	
" March 27, do. ....	2,575 92	
" do. (hardware).....	350 32	
" April 7, (to correct mistake).....	1,345 00	
" October 30, cash.....	5,542 24	
1853, January 11, do. ....	958 64	
		\$23,876 76
Retained per centage.....		1,564 87
		<u>25,441 63</u>

Received, Washington, January 13, 1853, of William Easby, Esq., Commissioner of Public Buildings, the above sum of fifteen hundred and sixty-four dollars and eighty-seven cents, (\$1,564 87) being the retained per centage on the above bills, and in full for my contract for the carpenter work of the east wing of the Patent Office, as per above bill.

FRANCIS MOHUN.

*Voucher No. 9, dated February 2, 1853.*

<i>William Easby, Esq., Commissioner of Public Buildings,</i>		
<i>To D. Finch &amp; Son,</i>		Dr.
For 616 $\frac{1}{2}$ yards of one coat painting to the wood work of the east wing Patent Office building, at 5 cents . . . .	\$30 84	
For 27 $\frac{3}{4}$ yards two coats painting to east wing Patent Office building, at 10 cents . . . . .	2 78 $\frac{1}{2}$	
For 1833 $\frac{1}{2}$ yards, three coats painting to east wing Patent Office building, at 15 cents . . . . .	275 06 $\frac{1}{2}$	
For 49 $\frac{1}{2}$ yards, four coats painting to east wing Patent Office building, at 20 cents . . . . .	9 89	
For 220 $\frac{3}{4}$ yards oak graining, at 31 cents . . . . .	68 47	
For 12 lights 15 $\frac{1}{2}$ by 26 $\frac{1}{2}$ , No. 1 window glass, furnished, bedded and glazed, at \$1 . . . . .	12 00	
For 12 lights do. 15 $\frac{1}{2}$ by 28, at 115 cents . . . . .	13 80	
For 4 lights 8 by 8, glazing only, at 4 cents . . . . .	16	
For 20 lights 11 by 19, furnished and glazed, at 40 cents . . . . .	8 00	
For 20 lights 9 $\frac{1}{2}$ by 19, double thick, do., at 67 cents . . . . .	13 40	
For 17 lights reglazing, at 49 cents . . . . .	8 33	
	<u>442 74<math>\frac{1}{2}</math></u>	
For 95 feet lineal of side and transom lights to outside basement door, glazing only, at 13 cents. . . . .	12 35	
	<u>455 09<math>\frac{1}{2}</math></u>	
Retain ten per cent . . . . .	45 50	
	<u>409 59<math>\frac{1}{2}</math></u>	

The above work has been done since the date of my last estimate, viz: October 27, 1852, all of which has been duly examined and measured by me, and I certify the same to be correct, according to the provisions of the first section of the act of Congress relating to the east wing of the Patent Office building, approved August 31, 1852.

JOHN C. HARKNESS, *Sworn Measurer.*

JANUARY 31, 1853.

I have examined the above bill and find it correct.

EDWARD CLARK,

*Assistant Superintendent Patent Office building.*

JANUARY 31, 1853.

Received, February 2, 1853, four hundred and nine dollars and fifty one cents.

D. FINCK & SON.

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*Voucher No. 11, dated February 4, 1853.*

SUPERINTENDENT OF PATENT OFFICE BUILDING,

*February 4, 1853.*

SIR: This is to certify that Messrs. Brown & Sioussa have done the following plastering at the east wing of the Patent Office building, in the best manner, since the date of my last estimate, September 18, 1852, viz:

13.7 superficial feet circular mouldings, at 30 cents. . . .	\$184 07½
20 centre pieces, at \$7 50. . . . .	150 00
	<hr/>
	334 07½
Retain five per cent . . . . .	16 70
	<hr/>
	317 37½
	<hr/>

I certify that I have examined and measured the work embraced in the foregoing estimate, according to a provision in the first section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARK,

*Assist. Sup. Patent Office building, and Sworn Measurer.*

WILLIAM EASBY, Esq.,

*Commissioner of Public Buildings.*

Received payment, \$317 37, February 4, 1853.

BROWN & SIOUSSA.

*Voucher No. 12, dated February 4, 1853.*

SUPERINTENDENT'S OFFICE, PATENT OFFICE BUILDING,  
February 4, 1853.

SIR: This is to certify that Messrs. Flaherty and Sibery have done the following plastering at the east wing of the Patent Office building, in the best manner, since the date of my last estimate, (September 18, 1852,) viz:

613.7 superficial feet circular mouldings, at 30 cents.....	\$184 07½
18 centre pieces, 22 men, at \$7 50.....	135 00
	<hr/>
	319 07½
Retain 5 per cent.....	15 95
	<hr/>
	303 12½
	<hr/>

I certify that I have examined and measured the work embraced in the foregoing estimate, according to a provision in the first section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARKE,  
*Asst. Supt. Patent Office building, and Sworn Measurer.*  
WILLIAM EASBY, Esq.,  
*Commissioner of Public Buildings.*

• Received payment February 4, 1853.

WILLIAM SIBERY,  
J. FLAHERTY.

*Voucher No. 15, dated February 9, 1853.*

SUPERINTENDENT'S OFFICE, PATENT OFFICE BUILDING,  
February 8, 1853.

SIR: This is to certify that F. Y. Naylor has done the following copper roofing at the portico of the eastern wing of the Patent Office building, in the best manner, viz:

491.10 superficial feet, at 30½ cents.....	\$150 00
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I certify that I have examined and measured the work embraced in the foregoing estimate, according to a provision in the first section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARKE,  
*Asst. Supt. Patent Office building, and Sworn Measurer.*  
WM. EASBY, Esq., *Com. of Pub. Buildings.*

January 9, 1853.—Received payment of William Easby, Commissioner of Public Buildings.

F. Y. NAYLOR.

*Abstract No. 23.—Voucher No. 2, dated March 12, 1853.*

**SUPERINTENDENT'S OFFICE, PATENT OFFICE BUILDING.**

: This is to certify that Messrs. Provost, Winter & Co., have in the best manner the following marble work, and furnished als for the same, at the portico, &c., of the east wing of the Office building, since the date of final settlement of the main ag, viz :

**PORTICO.**

24 cubic feet large stone in columns, at \$3 60....	\$24,200 40
10 superficial feet faced work stone, at 75 cents...	2,460 00
10 superficial feet beds and bills, stone, at 60 cents	1,602 00
10 lineal feet fluting, stone, at 90 cents.....	3,353 40
10 superficial feet face-work on caps, at \$2.....	534 00
10 superficial feet face-work on abacusses, at 50 cts	135 00
10 superficial feet face-work on plinths, at \$1 28..	241 92
10 superficial feet beds and bills to plinths, at 28 cts	70 00
14 cubic feet large stone in architraves, at \$3 60..	8,742 00
13 superficial feet faced-work to architraves, \$1..	1,650 25
10 superficial feet beds and bills to architraves, at 28 cents.....	556 92
10 superficial feet top and bottom beds of cornice, at \$2 11.....	11,227 31
10 lineal feet drops to ditto, at \$2.....	680 00
metopes, at \$54 78½.....	821 77½
triglyphs, at \$27.....	459 00
9 superficial feet pediment ashler, at \$1 28.....	355 52
6 superficial feet beds and bills pediment ashler, at 28 cents.....	150 78
6 superficial feet blocking, at \$1 09.....	1,503 47
10 superficial feet fine-faced cube stone, in basement, at \$1 28.....	725 76
10 superficial feet beds and bills, ditto, at 28 cents	238 00
clamps, at 50 cents.....	45 00
	<hr/>
	59,752 50½

**TILING.**

9 superficial feet marble tiling in saloon and principal story, at \$1 25.....	28,527 18
10 superficial feet German tiling, at 29 cents....	1,631 25
superficial feet front door sill, at \$1.....	53 00
window sills, at \$11.....	528 00
	<hr/>
	90,491 93½

Deduct for mortar used in setting and tiling portico.....	\$237 00	
Deduct lead used in portico.....	50 00	
		<u>\$287 00</u>
		<u>90,204 93½</u>

From the above is to be deducted the amount previously paid.

I certify that I have examined and measured the work and materials embraced in the foregoing estimate, according to a provision in the first section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARK

*Assistant Sup. Patent Office building, and Sworn Measure.*

WILLIAM EASBY, Esq.,

*Commissioner of Public Buildings.*

Amount brought down.....		90,204 93½
Deduct the following payments of money, viz:		
1852—February 3.....	\$5,000 00	
March 4.....	5,785 20	
April 16.....	7,131 60	
May 15.....	4,000 00	
September 8.....	22,639 05	
October 18.....	4,986 80	
November 11.....	6,731 15	
December 8.....	10,756 87	
1853—January 26.....	4,000 00	
		<u>71,030 67</u>
		<u>19,174 26</u>

Received payment of William Easby, C. P. B., \$19,174 26, in full, March 12, 1853.

PROVOST, WINTER & CO.

COMPTROLLER'S OFFICE, March 8, 1854

The above and foregoing papers, under mark A, are correctly copied  
ELISHA WHITTLESEY, *Comptroller.*

No. 2.—B.

*Copies of vouchers; payments by B. B. French, on account of east wing of Patent Office building, embracing a period of time from July 15, 1853, to October 6, 1853.*

Payments by B. B. French, Commissioner of Public Buildings, on

ount of contracts for west wing of Patent Office building, on the certificates and measurements of work, as certified by J. C. Harkness and ward Clark, sworn measurers, after August 31, 1852, and allowed in st Auditor's reports, Nos. 111,320 and 112,672, and vouchers, with dates specified, as follows :

*Voucher No. 2, of report No. 111,320.*

SIR: Having examined the proposals and contract of Messrs. P. & . Berry, for the granite work of the wings of the Patent Office building, and having carefully measured so much of the granite work of the west wing as has been executed according to the terms of said contract, and is actually set in the building, (leaving out all that portion of granite work to said west wing reported to Commissioner J. Mudd, in my estimate of the 5th of October, 1850,) I beg leave to report the following descriptions and quantities of granite work with which you stand charged in the following bill, to wit :

*J. B. French, Esq., Commissioner of Public Buildings, to P. & T. Berry.*

	DR.
For 18,005 $\frac{1}{2}$ feet, superficial, plain face cube stone, at \$1 50 per foot.....	\$27,008 12 $\frac{1}{2}$
7,147 feet, superficial, beds and bills, at 30 cents.....	5,144 10
654 $\frac{1}{2}$ feet, cubic, of extra cube stone, at \$1 20.....	6,785 10
504 feet, superficial, of squared and hammered lintels, at \$1 33.....	2,000 32
342 $\frac{3}{4}$ feet, superficial, of moulded work, to cornice of basement, and caps to piers and pilasters, at \$3 25.	4,363 67
108 feet, lineal, of 11 by 4, in rabbets for box frames, at \$1.....	308 00
16 feet, superficial, of window sills, at \$1.....	216 00
3 large checks cut out for ends of sills, at \$1 50.....	79 50
98 $\frac{1}{2}$ feet, superficial, of wash to top of basement cornice, at 35 cents.....	139 56
269 $\frac{1}{2}$ feet, lineal, of wash to base and projecting courses in basement, at 15 cents.....	190 42 $\frac{1}{2}$
94 $\frac{1}{2}$ feet, lineal, of chamfer, cut to the corners of base- ment pilasters, at 22 cents.....	86 73 $\frac{1}{2}$
66 ogee heads cut to pilasters, at 22 cents.....	36 52
59 cramps fitted in, at 50 cents.....	229 50
	<hr/>
	46,587 55 $\frac{1}{2}$
Deduct reservation of 15 per cent. per contract....	6,988 13 $\frac{1}{2}$
	<hr/>
	39,599 42 $\frac{1}{2}$
	<hr/>

I hereby certify that the foregoing bill has been examined by me ;  
and I have carefully measured the same, and that it is correct, ac-



according to the provisions of the act of Congress, approved August 31, 1852.

JOHN C. HARKNESS,  
*Sworn Measurer.*

JULY 15, 1853.

JULY 15, 1853.

I have examined the above bill and certify to its correctness.

EDWARD CLARK,  
*Assistant Sup. Patent Office building.*

B. B. FRENCH, Esq.,  
*Commissioner of Public Buildings.*

JULY 19, 1853.

Received of B. B. French, Commissioner of Public Buildings, the above sum of thirty-nine thousand five hundred and ninety-nine dollars and forty-two cents.

P. & T. BERRY.

[Endorsed on back of voucher before payment, having been presented by the commissioner after certification, &c.]

COMPTROLLER'S OFFICE,  
July 16, 1853.

I do not perceive any objection against paying this amount.

ELISHA WHITTLESEY.

*Voucher No. 1 of Report No. 112,672.—July 25, 1853.*

SIR: Having examined the contract and proposals of Messrs. Provost, Winter & Co., for the marble work of the *west* wing of the Patent Office building, and having measured so much of the marble work as has been actually set in the building, as also the marble work delivered upon the premises, but not yet set, I make the following report of the description and quantities of marble work and material, and present the same in the following bill, viz :

*B. B. French, Esq., Commissioner of Public Buildings, to Messrs. Provost, Winter & Co.*

Dr.

732 $\frac{1}{4}$ feet (superficial) plain face cube stone, at \$1 28 per foot.....	\$937 28
611 $\frac{1}{2}$ feet (superficial) beds and bills to cube stone, at 28 cents.....	171 31
429 feet (lineal) of rustic bevels, at 22 cents.....	94 38
192 feet (superficial) of window sills, at \$1 09.....	209 28
	<hr/>
	1,412 25

ove work being for the first or basement story,  
actually set in the building, is subject to a re-  
of fifteen per cent.....

\$211 83

1,200 42

(superficial) plain face cube stone,  
28..... \$5,621 76  
(superficial) bedds and bills to do.,  
cents..... 1,224 44  
t (lineal) of rustic bevels, at 22  
..... 488 84  
(superficial) of window sills, at  
9..... 209 28

7,544 32

ove work being for the first, or base-  
y, and not set in the building, is  
a deduction of five per cent. for  
of do.....

377 21

7,167 11

ervation of 15 per cent.....

1,075 06

6,092 05

(superficial) plain face cube stone,  
28.....  
et (superficial) beds and bills to  
at 28 cents.....

5,402 88

1,531 27

6,934 15

ove work being for the second, or  
story, and not set in the building, is  
a deduction of five per cent. for the  
do.....

346 70

6,587 45

ervation of 10 per cent.....

658 74

5,928 71

13,221 18

egoing marble work and material, has been duly measured  
d I hereby certify the same to be correct, according to the  
of the 1st section of the act of Congress, approved August

JOHN C. HARKNESS,

*Sworn Measurer.*

3, 1853.

JULY 18, 1853.

I have examined the above bill and find it correct.

EDWARD CLARK,

*Assistant Superintendent of Patent Office Building.*

B. B. FRENCH, Esq.,

*Commissioner of Public Buildings.*

Received of B. B. French, Commissioner of Public Buildings, thirteen thousand two hundred and twenty-one dollars and eighteen cents in full of above bill.

PROVOST, WINTER &amp; CO.

WASHINGTON, July 25, 1853.

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*Voucher No. 19.—October 6, 1853.*

*B. B. French, Esq., Commissioner of Public Buildings, to Messrs. Provost, Winter & Co.*

D<sup>r</sup>.

For the following description and quantities of marble work for the west wing of the Patent Office building—which for the sake of perspicuity is made to embrace all the marble work for said wing, reported in my estimate of the 18th of July last, deducting from the amount herein reported the sum paid Messrs. Provost, Winter & Co., on account of my estimate aforesaid of July 18, 1853:

6,127 $\frac{1}{2}$ feet (superficial) plain face cube stone, at \$1 28 per foot.....	\$7,843 30 $\frac{1}{2}$
5,896 $\frac{1}{2}$ feet (superficial) beds and bills, at 28 cents....	1,651 09
3,498 feet (lineal) of bevel, rustic, at 22 cents.....	769 56
384 feet (superficial) window sills, at \$1 09.....	418 56
390 $\frac{3}{4}$ feet (lineal) of rabets for box frames, at 70 cents..	273 46 $\frac{1}{2}$
52 checks cut out for ends of window sills, at \$1.....	52 00
63 feet (superficial) of sunk moulding to water table, at 66 cents.....	41 58
279 feet (superficial) of sunk wash to top of water table, at 35 cents.....	97 65
	<hr/>
	11,147 21 $\frac{1}{2}$
The above work being in the first story, and actually set in the building, is subject to a reservation of 15 per cent. ....	1,672 05
	<hr/>
	9,475 16 $\frac{1}{2}$
744 $\frac{1}{2}$ feet (superficial) plain face cube stone, at \$1 28.....	\$953 28
909 $\frac{1}{2}$ feet (superficial) beds and bills, at 28 cents.....	254 72 $\frac{1}{2}$
	<hr/>
	1,208 00 $\frac{1}{2}$

The above work being set in the second  
story is subject to a reservation of 10 per

.....	\$120 80	
	<hr/>	\$1,087 20½
feet (superficial) plain face cube stone, at \$1 28.....	460 80	
½ feet (superficial) beds and hills, at 28 cents.....	137 66½	
feet (lineal) of rabbets for box frames, at 70 cents.....	53 90	
feet (superficial) of sunk moulding to water table, at 66 cents.....	13 86	
½ feet (superficial) sunk work to do., at 35 cents.....	38 96½	
	<hr/>	705 19½

The above work being prepared for the  
second story, and not yet set in the building, is  
subject to a reduction of 5 per cent. ....

	35 25	
	<hr/>	
	669 94½	
also to a reservation of 10 per cent. ....	66 99	
	<hr/>	602 95½

32½ feet (superficial) plain face cube stone, at \$1 28.....	5,737 60	
17½ feet (superficial) beds and hills, at 28 cents.....	1,642 94½	
	<hr/>	7,380 54½

The above work being prepared for the  
second and third story, and not yet set, is subject to a  
reduction of five per cent. ....

	369 00	
	<hr/>	
	7,011 54½	
also a reservation of 10 per cent. ....	701 15	
	<hr/>	6,310 39½
		<hr/>
		17,475 72

From this amount deduct the amount of cash  
paid Messrs. Provost, Winter & Co.,  
upon my estimate of the 18th July last,  
viz.: .....

	13,221 18	
	<hr/>	
	4,254 54	
	<hr/>	

The foregoing marble work has been duly measured by me, and I  
hereby certify the same to be correct, according to the provisions of  
the first section of the act of Congress, approved August 31, 1852.

JOHN C. HARKNESS, *Sworn Measurer.*

OCTOBER 5, 1853.

W. B. FRENCH, Esq., *Commissioner of Public Buildings.*

I have examined the above, and find it correct.

EDWARD CLARK,

*Assistant Superintendent of Patent Office Building.*

OCTOBER 6, 1853.

Received the above.

PROVOST, WINTER & CO.

COMPTROLLER'S OFFICE,

March 8, 1854.

The above and foregoing copies, under mark B, are correctly copied.

ELISHA WHITTLESEY,

*Comptroller.*

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No. 3.—C.

*Copies of vouchers; payments by B. B. French, on account of east and west wings of Patent Office building, embracing a period of time from December 31, 1853, to January 17, 1854.*

Account B. B. French, Commissioner of Public Buildings, report No. 113,550:

*Voucher No. 3 of abstract No. 4, dated December 31, 1853, for the east wing.*

*B. B. French, Esq., Commissioner of Public Buildings, to Brown & Sioussa.*

Dr.

December 31, 1853—For 1,767 $\frac{1}{10}$ superficial feet cornice	
in saloon, east wing Patent Office building, at 25	
cents per foot.....	\$441 85
266 lineal feet drops, at 26 cents.....	69 16
	<hr/>
	511 01
	<hr/>

I certify that I have examined and measured the work embraced in the foregoing estimate, according to a provision in the 1st section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARK,

*Assistant Sup. Patent Office building, and Sworn Measurer.*

Received payment.

BROWN & SIOUSSA.

NOTE.—The above account, per No. 113,550, not at the date of reference by Comptroller to the Hon. Secretary of the Interior of the attached papers, adjusted, by reason of certain certificates required, not

filed, that will apply on some of the vouchers included in report 113,821.

*cher No. 3, abstract No. 4, dated November 11, 1853, for the west wing.*

*3. French, Esq., Commissioner of Public Buildings, per west wing of Patent Office, to Messrs. Provost, Winter & Co.*

DR.

1,889 feet, superficial, plain face cube stone actually set in the basement story, at \$1 28.....	\$2,417 92
3 1/2 feet, superficial, beds and bills to basement story, at 28 cents.....	435 07
feet, lineal, of lines of rustic bevels, at 22 cents ...	190 52
feet, lineal, rabets for box frames, at 70 cents.....	60 31
1/2 feet, superficial, wash to top of water table, at 35 cents .....	54 83
feet, superficial, sunk moulding to spout of water table, at 66 cents.....	26 07
iron clamps fitted in, at 50 cents.....	90 00

3,274 72

Deduct a reservation of 15 per cent..... 491 20

2,783 52

1/2 feet, superficial, plain face cube stone, actually set in the second and principal story, at \$1 28. \$970 24	
1/2 feet, superficial, beds and bills to principal story, at 28 cents.....	264 04
iron clamps fitted in, at 50 cents.....	10 00

1,244 28

Deduct a reservation of 10 per cent... 124 42

1,119 86

1 1/2 feet, superficial, plain face cube stone, prepared for the second or principal story, but not set, at \$1 28 .....	1,110 93
1/2 feet beds and bills to second story, at 28 cents.....	137 20
1/2 feet, lineal, of rabets for box frames, at 70 cents.....	223 12 1/2

1,471 25 1/2

duct, on account of not being set, 5 per cent.....

73 56

1,397 69 1/2

duct a reservation of 10 per cent.....

139 76

1,257 93 1/2

5,161 31 1/2

The foregoing marble work has been done since my estimate dated 5th of October, 1853; has been duly measured by me, and I hereby certify the same to be correct, according to the provisions of the 1st section of the act of Congress approved August 31, 1852.

JOHN C. HARKNESS,  
*Sworn Measurer.*

NOVEMBER 8, 1853.

I certify the above to be correct.

EDWARD CLARK,  
*Assistant Superintendent Patent Office building.*

NOVEMBER 10, 1853.

Received payment.

PROVOST, WINTER & CO.

NOVEMBER 11, 1853.

*Voucher No. 6, dated November 22, 1853.*

*B. B. French, Esq., Commissioner of Public Buildings, per west wing  
Patent Office, to Francis Mohun.*

	Dr.
For 22,877½ feet, superficial, centering, to the first tiers of arches, at 9 cents per foot .....	\$2,058 96
Deduct reservation of 15 per cent .....	308 84
	1,750 12

The foregoing centering has been measured by me, and I hereby certify the same to be correct, according to the provisions of the 1st section of the act of Congress, approved August 31, 1852.

JOHN C. HARKNESS,  
*Sworn Measurer.*

NOVEMBER 21, 1853.

I certify the above to be correct.

EDWARD CLARK,  
*Assistant Superintendent Patent Office building.*

Received of B. B. French, Esq., Commissioner of Public Buildings, seventeen hundred and fifty dollars and twelve cents, being for the above bill, less the per centage.  
(\$1,750 12)

FRANCIS MOHUN.

NOVEMBER 22, 1853.

**S. Doc. 48.**



*Voucher No. 7, dated November 22, 1853.*

*B. French, Esq., Commissioner of Public Buildings for west wing Patent Office, to P. & T. Berry,*

**DR.**

135½ superficial feet moulded caps to piers, at \$3 25..	\$1,415 91½
455 superficial feet moulded architrave, at \$2 96....	7,266 80
129½ lineal feet of champhers to cornices of piers, at 22 cents .....	72 45½
132 heads to ditto, at 22 cents.....	29 04
186 cubic feet of extra cube stone, at \$1 20.....	583 20
	<hr/>
	9,367 41
Deduct reservation, 15 per cent.....	1,405 11
	<hr/>
	7,962 30

The foregoing granite work has been done since my estimate of October 29, 1853, is actually set in the building, has been duly measured by me, and I hereby certify the same to be correct according to the provision of the first section of the act of Congress, approved August 1, 1852.

**JOHN C. HARKNESS,**  
*Sworn Measurer.*

November 21, 1853.—I certify the above bill to be correct.

**EDWARD CLARK,**  
*Asst. Supt. Patent Office building.*

Received payment, November 22, 1853.

**P. & T. BERRY.**

*Voucher No. 18, dated December 15, 1853.*

*B. French, Esq., Commissioner of Public Buildings, to Provost, Winter & Co.,*

**DR.**

December 15, 1853, for the following marble work, and materials for the same, done and furnished at the west wing of Patent Office building, viz :

370 superficial feet plain face cube stone, at \$1 28.....	\$473 60
515 superficial feet beds and bills cube stone, at 28 cents .....	144 20
137 cubic feet extra cube stone, at \$1 28.....	175 36
26 superficial feet sunk wash to water table, at 35 cents .....	9 10
8 superficial feet sunk moulding, at 66 cents.....	5 28
334 lineal feet rustic bevel, at 22 cents.....	73 48
	<hr/>
	881 02



The above work is for the basement story, and not yet set. Deduct 5 per cent .....

\$44 05

836 97

Deduct reservation of 15 per cent.....

125 54

711 43

905 superficial feet plain face cube stone, at

\$1 58..... \$1,158 40

1,706 superficial feet beds and bills, at 28 cts. 477 68

400 cubic feet extra cube, at \$1 28..... 512 00

124 lineal feet rabets for windows, at 70 cents..... 86 80

222 superficial feet 9-inch ashler, at \$1.... 222 00

51 superficial feet window sills, \$1 09.... 55 59

102 superficial feet pilasters, inside, at \$1 90 193 80

13 superficial feet beds and bills, at 28 cts. 3 64

18 superficial feet baf., at \$2 50..... 45 00

2,754 91

The above work is for the principal story, but not set; it is therefore subject to a deduction of 5 per cent. for setting.....

137 74

2,617 17

Deduct reservation 10 per cent.....

261 71

2,355 46

3,066 89

I certify that I have examined and measured the work and materials in the foregoing approximate estimate, according to a provision in the first section of the act of Congress, August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARK,

*Ast. Supt. Patent Office building and Sworn Measurer.*

Received payment, December 15, 1853.

PROVOST, WINTER & CO.

*Voucher No. 25, dated January 10, 1854.*

*B. B. French, Esq., Commissioner of Public Buildings, to Provost, Winter & Co.,*

Dr.

January 8, 1854.—For the following marble work done at the west wing of Patent Office building, viz:

792 superficial feet plain face cube stone, at \$1 28..... \$1,013 76

S. Doc. 48.

5 superficial feet beds and bills, at 28 cents .....	\$284 20
3 cubic feet extra materials, at \$1 28.....	311 04
1 lineal feet rustic bevel, at 22 cents.....	173 80
1 lineal feet rabets to jambs, at 70 cents.....	44 80

1,827 60

The above work not being set, is subject to a deduction of 5 per cent.....	91 38
--	-------

1,736 22

Deduct reservation of 15 per cent. for basement ...	260 43
---	--------

1,475 79

5 superficial feet plain face cube stone, at \$1 28.....	\$403 20
3 superficial feet beds and bills, at 28 cents.	187 04
2 cubic feet extra materials, at \$1 28.....	194 56
1 lineal feet rabets to jambs, at 70 cents....	14 70
1 superficial feet window sills, at \$1 09....	251 79
3 superficial feet inside caps, at \$2 50 .....	159 50
1 superficial feet pilasters, (inside,) at \$1 90.	114 00
5 superficial feet beds and bills, at 28 cents.	12 88

1,335 67

The work for the principal story not being set, is subject to a deduction of 5 per cent.....	66 78
--	-------

1,268 89

Deduct reservation for principal story, 10 per cent. ....	126 88
---	--------

1,142 01

2,617 80

certify that I have examined and measured the work and materials  
 raced in the foregoing approximate estimate, according to a pro-  
 n in the 1st section of the act of August 31, 1852, relating to the  
 wing of the Patent Office building, and that it is correct.

EDWARD CLARK,

*Assist. Supt. Patent Office building, and Sworn Measurer.*

JANUARY 10, 1854.

received payment.

PROVOST, WINTER & CO.

. B. French, Commissioner of Public Buildings, payment, per said  
 rt, No. 113,821.

*Abstract No. 5.—Voucher No. 2.**B. B. French, Esq., Commissioner of Public Buildings, to P. & T. Berry,*

Dr.

January 14, 1854.—For the following work and materials for the same, done at west wing of Patent Office building, viz:

2,190.6 superficial feet architraves, at \$3 02.....	\$6,615 31
413.6 superficial feet moulded work to caps, at \$3 25,	1,343 87½
4,591.3 superficial feet fine face work to piers and pilasters, at \$1 50.....	2,386 87½
310.6 superficial feet beds and bills, at 30 cents.....	93 15
94 cubic feet extra material, at \$1 20 .....	112 80
1,292 superficial feet fine face work, to large piers, at \$2.....	2,584 00
	<hr/>
	13,136 01
Deduct reservation of 10 per cent. for second story.....	1,313 60
	<hr/>
	11,822 41
	<hr/>

I certify that I have examined and measured the work and materials embraced in the foregoing estimates, according to a provision in the 1st section of act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARK,  
*Sworn Measurer.*

Received payment in full, January 17, 1854.\*

P. & T. BERRY.

NOTE.—Report No. 113,821: not yet adjusted by the comptroller for want of time, it will be closed as soon as practicable.

MARCH 6, 1854.

COMPTROLLER'S OFFICE,  
March 8, 1854.

The above and foregoing copies, under mark C, correctly copied.

ELISHA WHITTLESEY,  
*Comptroller.*

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\* Payment charged in abstract was nett \$11,822 41.

S. Doc. 48.

No. 4.—D.

*of vouchers, payments by B. B. French, on account of east wing of Patent Office building, embracing a period of time from January 31, (date of receipt,) to February 7, 1854.*

. French, Commissioner of Public Buildings, payment on vouch-  
dered to First Auditor, not yet adjusted for want of time.

*voucher No. 3, dated February 2, 1854, on account of east wing.*

*French, Esq., Commissioner of Public Buildings, to Flaherty & Sibery,*  
ry 2, 1854. Dr.

3 $\frac{1}{10}$ superficial feet, cornice to saloon, east wing,	
Patent Office building, at 25 cents.....	\$220 92 $\frac{1}{2}$
3 lineal feet drofs to ditto, at 26 cents.....	34 58
	255 50 $\frac{1}{2}$

tify that I have examined and measured the work embraced in  
going estimate, according to a provision in the first section of  
of August 31, 1852, relating to the east wing of the Patent Office  
g, and that it is correct.

EDWARD CLARK,  
*Asst. Sup. Patent Office building, and Sworn Measurer.*

ary 31, 1854.—Received payment in full.  
FLAHERTY & SIBERY.

*Voucher No. 4, dated February 7, 1854.*

*French, Esq., Commissioner of Public Buildings, to Messrs. Provost,  
Winter & Co.,* Dr.

uary 7, 1854.—For the following marble work and materials for  
ie, at the east wing of the Patent Office building, viz :

6 superficial feet plain face cubic stone, at	
\$1 28 .....	\$417 28
3 superficial feet beds and bills ditto, at 28	
cents .....	129 64
cubic feet, extra materials, at \$1 28.....	112 64
.6 lineal feet rabets to windows, at 70 cents.	11 55
superficial feet 9-inch ashler, at \$1.....	60 00
	731 11

The above work being for the second story, and not yet set, is subject to a deduction of five per cent .....

\$36 55

694 56

Deduct reservation of 10 per cent. .... 69 45

\$625 11

556 cubic feet large stone for architraves, at \$3 60, 2,001 60

68 superficial feet fine work to ditto, at \$1. .... 68 00

365.4 superficial feet cases, at \$2 50. .... 913 33

74.6 superficial feet beds and bills, at 28 cents.. 20 86

126 superficial feet, columns and pilasters, and plinths, at \$1 28 ..... 161 28

3,165 07

The above is for the inside work of second story, and subject to a deduction of 5 per cent. for setting. .... 158 25

3,006 82

Deduct reservation of 10 per cent. .... 300 68

2,706 14

3,331 25

I certify that I have examined and measured the work and materials embraced in the within approximate estimate, according to a provision in the first section of the act of August 31, 1852, relating to the east wing of the Patent Office building, and that it is correct.

EDWARD CLARK,

*Asst. Supt. Patent Office building, and Sworn Measurer.*

Received payment, February 7, 1854.

PROVOST, WINTER & CO.

COMPTROLLER'S OFFICE,

March 8, 1854.

The above and foregoing copies, under mark D, correctly copied.

ELISHA WHITTLESEY, *Comptroller.*

No. 5.—E.

Payments and recapitulation of payments on account of contracts for the measurement "of the work and materials furnished" on the east and west wings of the Patent Office building, collated from vouchers copied in the foregoing series, viz: Nos. 1, 2, 3, and 4, and as certified by the sworn measurers, covering a period of time from 8th September, 1852, to 7th February, 1854.

ELISHA WHITTLESEY, *Comptroller.*

ents made on the said vouchers as copied above, and measurements of  
of sworn measurers.

ct.	Number of voucher.	Payments by Commission- er Easby, per report No. 110,808.	Previous pay- ments.	Present pay- ments.	Total pay- ments.
	8	Provost, Winter & Co.....	\$21,916 80	\$22,639 05	\$44,555 85
	12	P. & T. Berry.....	3,500 00	3,980 12	7,480 12
	15	Flaherty & Sibrey.....		547 51	547 51
	4	Brown & Sioussa.....	1,377 90	796 88	2,174 78
	5	P. & T. Berry.....		9,275 56	9,275 56
	15	Provost, Winter & Co.....		4,986 80	4,986 80
	12	Flaherty & Sibrey.....		249 38	249 38
	17	P. & T. Berry.....		6,990 98	6,990 98
	21	Finch & Son.....		274 84	274 84
	22	Francis Mohun.....		5,542 24	5,542 24
	23	Timothy O'Neill.....		531 50	531 50
	4	Provost, Winter & Co.....		6,731 15	6,731 15
	10	.....do.....		10,756 87	10,756 87
	2	Francis Mohun.....		958 64	958 64
	3	.....do.....		1,564 87	*1,564 87
	9	D. Finch & Son.....		409 59	409 59
	11	Brown & Sioussa.....		317 37	317 37
	12	Flaherty & Sibrey.....		303 12	303 12
	15	F. Y. Naylor.....		150 00	150 00
	2	Provost, Winter & Co....	71,030 67	19,174 26	90,204 93
			97,825 37	96,180 73	194,006 10

\* Retained per centage paid.

f	Number of voucher.	Payments by Commissioner B. B. French.	Previous pay- ments.	Present pay- ments.	Total pay- ments.
0	2	P. & T. Berry.....		\$39,599 42	\$39,599 42
2	1	Provost, Winter & Co.....		13,221 18	13,221 18
	19	.....do.....		4,254 54	4,254 54
0	3	Brown & Sioussa.....		511 01	511 01
		<i>Abstract No. 4.</i>			
1	3	Provost, Winter & Co.....		5,161 31½	5,161 31½
	6	Francis Mohun.....		1,750 12	1,750 12
	7	P. & T. Berry.....		7,962 30	7,962 30
	18	Provost, Winter & Co.....		3,066 89	3,066 89
	25	.....do.....		2,617 80	2,617 80
		<i>Abstract No. 5.</i>			
	2	P. & T. Berry.....		11,822 41	11,822 41
		<i>Payments on vouchers filed in office of Auditor.</i>			
	3	Flaherty & Sibrey*.....		255 50½	255 50½
	4	Provost, Winter & Co†.....		3,331 25	3,331 25
				93,553 74	93,553 74

\* Received January 31, 1854.

† Received February 7, 1854.

*Recapitulation of payments.*

Name of Commissioner.	No. of report.	Previous payments.	Present payments.	Total payments.
William Easby.....	110,808	\$97,825 37	\$96,180 73	\$194,006 10
B. B. French.....	111,320	.....	39,599 42	39,599 42
Do.....	112,672	.....	17,475 72	17,475 72
Do.....	113,550	.....	511 01	511 01
Do.....	113,821	.....	32,380 83½	32,380 83½
Do*.....	.....	.....	3,586 75½	3,586 75½
		97,825 37	189,734 47	287,559 84

\* Payments rendered to Auditor, not numbered.

No. 6.—F.

of letters by Comptroller to Commissioner of Public Buildings 4th March, 1854, enquiring if the commissioner has other (not rendered in accounts) applicable to resolution of Senate of the commissioner, dated 6th March, 1854.

ELISHA WHITTLESEY, *Comptroller.*

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TREASURY DEPARTMENT.

*Comptroller's Office, March 4, 1854.*

have respectfully to request that you will be pleased to inform this office whether you have any vouchers (not rendered in accounts) disbursements for the wings of the Patent Office building, by sworn measurers, of work done by contract, and that will be the subject matter of the resolution of the Senate of 23d ultimo, calling for certain "report of the examination and report made of the work and materials furnished by contract for construction of the wing of the Patent Office building, as ordered on 1st of August, 1852."

have such vouchers, be pleased to cause them to be copied and sent to this office as soon as practicable, duly certified by you as true copies, that I may be enabled to comply with the instructions of the honorable Secretary of the Interior, "to send to this office certified copies of all the certificates of measurement made on the Patent Office building, or Mr. Clark, of work done on the building, which have been given since 31st August, 1852."

I am, respectfully, yours,

ELISHA WHITTLESEY, *Comptroller.*

FRENCH, Esq.,

*Commissioner of Public Buildings.*

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OFFICE OF THE COMMISSIONER OF PUBLIC BUILDINGS,

*March 6, 1854.*

In answer to your letter of the 4th instant, just received by me, I have the honor to reply that there is not a single voucher in my office for disbursements on the Patent Office building, certified by sworn measurers, of work done by contract.

Such vouchers have been duly returned with my accounts to the

I am, with high respect, your obedient servant,

B. B. FRENCH,

*Commissioner of Public Buildings.*

ELISHA WHITTLESEY,

*Comptroller of the Treasury.*





REPORT  
OF  
THE SECRETARY OF WAR,

COMMUNICATING

*report of a board of officers of the army, appointed to examine and report upon claims for funds advanced, and subsistence and supplies furnished or taken for the use of Frémont's California battalion, while engaged in the public service.*

CH 16, 1854.—Referred to the Committee on Military Affairs, and ordered to be printed.

WAR DEPARTMENT,  
*Washington, March 14, 1854.*

SIR: By the 6th section of the army appropriation act, approved August 31, 1852, an appropriation was made for the pay and equipment of the volunteers serving under the command of Captain John C. Frémont in California, during the year 1846, &c., and the Secretary of War was authorized and empowered to appoint three competent and interested officers of the army to examine and report to Congress on all such claims as might be presented for funds advanced, and subsistence and supplies of all kinds furnished or taken for the use of that command, whilst thus engaged in the public service.

Pursuant to this authority these officers were appointed, who made a partial report to Congress on the 29th of December, 1852, respecting claims which had been presented. Subsequently other claims were presented, and new evidence was offered in regard to claims previously considered, and those officers have now made a report, which I have the honor to transmit herewith, embracing all claims heretofore presented, as well those noticed in their partial report above referred to, those since presented,

Very respectfully, your obedient servant,  
JEFFERSON DAVIS,  
*Secretary of War.*

Wm. D. R. ATCHISON,  
*President of the Senate.*

OFFICE OF THE BOARD FOR THE EXAMINATION OF CLAIMS CONTRACTED  
IN CALIFORNIA UNDER LIEUTENANT COLONEL FREMONT,

CORNER OF PENNSYLVANIA AV. AND 17TH STREET,  
Washington, D. C., March 13, 1854.

*To the Senate and House of Representatives of the United States:*

The board of officers of the army, appointed by the Secretary of War, under the 6th section of the act making appropriations for the support of the army, for the year ending June 30, 1853, approved August 31, 1852, (see accompanying document marked "A.") has the honor to submit the following report of its proceedings, since the report of the board submitted to the 32d Congress under date of December 29, 1852.

Since the date of that report many additional claims have been received for examination, as well as testimony in regard to many of the claims then held suspended as well as those since received. Every claim heretofore reported on, (see report of the board to which reference is made above,) has been reconsidered, and in so far as the decision of the board in each of such cases goes, the board desires that the present report may be considered as superceding that heretofore made.

Claims against the United States, amounting to eight hundred and sixty-five thousand eight hundred and three dollars and twenty-three and a half cents, (\$865,803 23½,) have been presented for the examination of the board. Of this amount, one hundred and twenty-nine thousand eight hundred and eighty-five dollars and sixty-five and a half cents, (\$129,885 65½,) have been allowed; one hundred and fifty-two thousand nine hundred and thirty-three dollars and fifty-six cents, (\$152,933 56,) disallowed or rejected; two hundred and thirty-seven thousand nine hundred and eleven dollars and seventy-six cents, (\$237,911 76,) suspended for want of testimony or explanation; one hundred and seventy-four thousand and seventy-six dollars and ninety cents, (\$174,076 90,) ruled out as not coming within the letter of the law for examination—although a part of this sum, (\$147,896 40,) the total of claims Nos. 197 and 229, is eminently worthy of the consideration of Congress; three thousand six hundred and ninety-five dollars and thirty-six cents, (\$3,695 36,) ought to be paid at the treasury without the further action of Congress; nineteen thousand five hundred dollars, (\$19,500,) have been settled by act of Congress; and one hundred and forty-seven thousand eight hundred dollars, (\$147,800,) have been withdrawn, and the claims submitted as explanatory of the claims. (See accompanying document marked "B.")

- It will be perceived that more than one-third (⅓) in amount of the claims presented, (excluding the amount of claims withdrawn,) has been suspended for want of testimony or explanation. It is deemed by the board of great importance to the interests of the United States, as well as an act of justice to the claimants, that these claims should have an early investigation by the board. That investigation can best take place in California. Indeed, it is almost impossible, it can take place in this part of the country in a manner consistent with the interests of both parties. As the board has neither the power nor the

means to enable it to make a suitable investigation in California, it is suggested that both be provided by legislation at an early period.

It will also be perceived, that while the board has, in many instances, recommended payment for all the articles proven to have been furnished or taken, it has reduced the amount to be paid for them. In coming to his conclusion the board has been governed by the prices paid by the disbursing officers of the battalion who made purchases and payments during the period embraced by these claims, and by the due bills and receipts given by them and others for similar articles received, taken, or purchased, during the same time.

The following scale of prices, adopted by the board on the 3d of January, 1854, after due examination and deliberation, appears to the board not only equitable and just, but liberal, compared with the actual transactions which occurred while the battalion was in service, viz:

*"Resolved*, That, in the opinion of the board, the prices hereinafter set forth for animals and property are equitable, and will govern the board in its recommendations to Congress, in all the claims before it where a different valuation is not satisfactorily established, viz:"

First quality horses.....	\$30 00
Second quality horses.....	20 00
Third quality horses.....	10 00
Horses where the quality is not mentioned.....	25 00
Mares.....	10 00
Mules.....	25 00
First quality cattle.....	10 00
Second quality cattle.....	8 00
Third quality cattle.....	6 00
Cattle where the quality is not mentioned.....	8 00
Sheep.....	2 50
Cows, first quality.....	10 00
Cows, second quality.....	8 00
Cows, where the quality is not stated.....	8 00
Rifles, superior.....	50 00
Pistols, per pair.....	30 00
Pistols, superior, per pair.....	50 00
Pistols, revolvers.....	50 00
Bowie knives.....	5 00
Saddles.....	30 00
Bridles.....	6 00
Spurs.....	5 00
Saddles, bridles, and spurs.....	41 00
Corn, per fanega.....	3 00
Wheat, per fanega.....	3 00
Beans, per fanega.....	3 00
Barley, per fanega.....	3 00

Some of the claims presented are based upon *due bills* given by Major Jacob R. Snyder, quartermaster of the battalion, agreeably to "vouchers rendered." Upon application to the major for the "vouchers," he forwarded to the board, in December last, "all the papers in his

possession" relating to his duties as a disbursing officer of the battalion. Amongst the papers thus transmitted were found the "vouchers" referred to in his *due bills*; which have been withdrawn from his papers and filed with the claim; although it will be seen that the accounts are receipted, as if the amounts had been actually paid by him at the time. There are many similar accounts, also receipted, among the papers submitted by *Major Snyder*. Whether the money has been paid or *due bills* given, as in the cases above mentioned, the board is unable to determine in the absence of information from him on the subject.

By an examination at the treasury it was ascertained that several claims which had been presented to the board for examination had already been paid, and vouchers passed to the credit of the disbursing officer at the treasury. It is possible that some of these allowed by the board have also been paid; to guard against their being paid a second time, the board recommends that *all* of the claims when presented for payment be examined by the proper Auditors of the Treasury, and compared with the accounts of the battalion which have been adjusted there, before payment on them is made.

The board desires to bring to the notice of Congress, that there is a meritorious class of claims which it cannot now but *rule out* under the letter of the law, which it is highly probably was intended to be embraced when the law was framed; it is for *spoliation of property by the enemy*, arising from the occupancy of the claimant's premises by American troops. Special legislation would be necessary to embrace this class among the claims to be examined by the board; which is recommended

For a special report on each of the claims presented to the 9th instant, see the accompanying document, (a book,) marked "*Register of California Claims, 1846-'47*;" which contains a copy of each claim, with the evidence in the case.

In conclusion, the board desires to remark that in all cases where a claim has been recommended to the favorable consideration of Congress, the vote of the board has been unanimous.

C. F. SMITH,

*Brevet Colonel 2d Artillery.*

CHARLES THOMAS,

*Lieutenant Colonel United States Army.*

R. B. LEE, C. S.,

*Major United States Army.*

N. B.—Since the 9th instant, when the above was closed, claims amounting to \$3,462<sup>42</sup>/<sub>100</sub> have been received, but not acted on.

A.

SPECIAL ORDERS, }  
No. 136. }

ADJUTANT GENERAL'S OFFICE,  
Washington, September 7, 1852.

The following order has been received from the War Department :

"WAR DEPARTMENT,  
September 6, 1852.

"Agreeably to the requirements of the 6th section of the act of August 1, 1852, making appropriations for the support of the army for the year ending June 30, 1853, a board of officers to consist of

"Brevet Colonel CHARLES F. SMITH, *Second Artillery* ;

"Lieut. Colonel CHARLES THOMAS, *Deputy Quartermaster General* ;

"Major RICHARD B. LEE, *Commissary of Subsistence* ;

is hereby appointed 'to examine and report to Congress upon all such claims as may be presented for funds advanced and subsistence and supplies furnished, or taken for the use of the volunteers serving under the command of Captain John C. Fremont, in California, during the year 1846.'

"The board will meet and organize in the city of Washington on the 3th of the present month, or as soon thereafter as practicable.

"C. M. CONRAD,  
"Secretary of War."

Published to the army by command of Major General Scott.

S. COOPER,  
Adjutant General.

"SECTION 6. *And be it further enacted*, That, for the pay and equipment as mounted riflemen, finding their own horses and forage, of the volunteers serving under the command of Captain John C. Frémont, in California, during the year eighteen hundred and forty-six, as appears by the muster rolls on file in the War Department, and for the subsistence and supplies consumed by said volunteers, in said service, one hundred and sixty-eight thousand dollars, is hereby appropriated out of any money in the treasury not otherwise appropriated ; and the Secretary of War is authorized and empowered to appoint three competent and disinterested officers of the army to examine and report to Congress upon all such claims as may be presented for funds advanced and subsistence and supplies of all kinds furnished or taken for the use of said command, whilst thus engaged in the public service ; and for the expenses of said board of officers the sum of two thousand dollars is hereby appropriated."

## B.

*Schedule of claims contracted in California under Lieutenant Colonel John C. Frémont, in 1846-'47, with the action of the board thereon. [For Alphabetical List of Claims, see page 13.]*

Number of claim.	Name of claimant.	Nature of claim.	Amount claimed.	Amount allowed.	Amount disallowed or rejected.	Amount suspended.	Amount ruled out.	Amount to be paid at the treasury without further appropriation by Congress.	Amount paid by act of Congress.	Amount withdrawn.
1	John Temple.	Cash.	\$2,105 00	\$2,105 00						
2	Talbot H. Green.	Clothing, ordnance, subsistence, &c.	10,555 16	6,075 06	6 \$1,542 59	\$2,887 51	c \$850 00			
3	William A. Leidesdorff.	Cash.	8,740 00			8,740 00	d 5,000 00			
4	William D. Phelps.	Purchase of an island.	5,000 00							
5	J. A. Butler.	Rent of quarters.	7,200 00	7,200 00						
6	F. Huttman.	Cash.	19,500 00							
7	Mariano G. Vallecjo.	Arms.	500 00							
8	Mariano G. Vallecjo.	Cattle.	24,750 00	15,575 00	9,175 00					
9	Mariano G. Vallecjo.	Horses, saddles, &c.	82,625 00	82,625 00	50,000 00					
10	Mariano G. Vallecjo.	Arms, cattle, horses, &c.	143,800 00							
11	Juho Carrillo.	Horses, &c.	17,500 00							
12	Victor Prudon.	Horses, cattle, arms, &c.	7,890 00	2,670 00	14,880 00					
13	Daniam Rodriguez.	Horses, cattle, arms.	2,675 00	1,886 00	5,554 00					
14	José de la Rosa.	Horses, cattle, arms.	5,040 00	565 00	2,090 00					
15	Cayetano Juarez.	Horses, cattle, arms.	10,690 00	1,240 00	8,800 00					
16	Salvador Vallecjo.	Horses, arms, &c.	53,100 00			10,580 00				
17	John G. Ray.	Fuel, &c.	350 00	11,700 00	41,400 00					
18	Ortizana Mumm.	Ordnance stores.	250 00	250 00						
19	Leard, William H. Nutall.	Quarters and fuel.	28 00	23 00						
20	H. A. Den.	Cattle.	69 85	69 25						
21	William Howard.	Ship biscuit.	893 00	394 00						
22	James Stokes.	Cattle.	102 97½	25 50						
23	M. W. Fenn.	Cattle.	180 00	180 00						
24	Captain John Sears.	Subsistence.	80 75	80 75						
25	R. E. Thompson.	Subsistence.	96 00	96 00						
26	José Arak.	Cattle.	80 00	80 00						
27	H. A. Den.	Cattle.	183 00	183 00						
28	William Dean.	Cattle.	66 00	66 00						
29	James Watson.	Fear.	119 13	119 13						
30	William H. Davis.	Ordnance stores.	968 85	968 85						
31	H. A. Green.	Arms, &c.	176 00	176 00						
32	Samuel Edsley.	Building a house.	150 00	150 00						

/ \$149,800 00

56	Michael A. Don	Horses, subsistence, &c	1,428 75 <sup>1</sup> / <sub>2</sub>	1,428 75 <sup>1</sup> / <sub>2</sub>					
57	William H. Davis	Horses, clothing, &c	688 50	688 50					
58	William H. Davis	Subsistence	785 40	785 40					
59	William H. Davis	Subsistence	1,600 00	1,600 00					
60	Leest J. K. Wilson	Pay for services	0 14 00						
61	John A. Sutter	Subsistence, &c	2,683 75	2,683 75					\$14 00
62	Eugene Deering	Pay for services	161 00						161 00
63	P. W. Reed	Cash	800 00						
64	P. W. Reed	Camp equipage	88 35		3 25				
65	Francisco Berrytia	A horse	35 00						
66	Alfred Baldwin	A horse	35 00						
67	H. H. Cardwell	Pay for services	35 00						
68	George Dehling	Pay for services	119 80	119 80					
69	Victor Prodhomme	Pay for services	119 80						
70	P. B. Reading	Arms	17 38	17 38					
71	W. D. M. Howard	Cash	65 00	65 00					
72	W. D. M. Howard	Ship bread	558 50						58 50
73	C. M. Veller	Pay for services	2 297 88	75 00					297 88
74	Abel Stearns	Beans	100 80	100 80					
75	Charles Burch	A saddle	24 00	24 00					
76	A. R. Thompson	Ordinance supplies	1,368 00						
77	A. R. Thompson	Arms	54 00	54 00					
78	Ward & Smith	Ammunition	350 00	350 00					
79	Raphael Gonzales	Stationery	141 50	141 50					
80	E. Ardison	Horses	45 00	45 00					
81	E. Ardison	Material for tents	37 50	37 50					
82	Abel Shearns	Office rent, &c	45 00	45 00					
83	Abel Shearns	Clothing	24 00	24 00					
84	E. Ardison	Forage	45 00	45 00					
85	Modesta Castro	Horses	870 00	870 00					
86	John Sears	Camp equipage	90 00	90 00					
87	William B. Elliott	A horse	30 00	30 00					
88	Miles Goodyear	Deerkins	40 00	40 00					
89	Joe Arnak	Horses	76 00	76 00					
90	Lieut. A. Copeland	Quarters and fuel	81 34	81 34					
91	Pay & Co.	Horses, &c	231 50	231 50					
92	H. Dalton	Lumber	588 50	588 50					
93	Narcisca Bottello	Liquor and household utensils	200 00	100 00					
94	James Stokes	Cash	19 00	19 00					
95	Pedro Carrillo	Cattle, &c	1,196 00	1,196 00					
96	Charles White	Subsistence	8 00	8 00					
97	Charles White	Shoes	4 00	4 00					
98	James Stokes	Subsistence, &c	34 35	34 35					

<sup>1</sup> Withdrawn and submitted as explanatory to claims Nos. 7, 8, 9.  
<sup>2</sup> Being for services as an officer, the account ought to be paid by Second Auditor.  
<sup>3</sup> Being for services as a soldier, the account ought to be paid by Second Auditor.  
<sup>4</sup> Being for services as a soldier, the account ought to be paid by Second Auditor.  
<sup>5</sup> A draft drawn on private account.  
<sup>6</sup> Being for services as a soldier, the account ought to be paid by Second Auditor.

<sup>a</sup> The claim is for \$1,500 and interest, at 2 per cent. per month. The interest allowed for one year eight months and five days, at 2 per cent. per month.

<sup>b</sup> Rejected.

<sup>c</sup> This allowed as claim No. 113.

<sup>d</sup> Withdrawn by claimant afterwards.

<sup>e</sup> See act for relief of Lieutenant Colonel Fremont, approved March 3, 1898.



B—Schedule of claims contracted in California under Lieutenant Colonel John C. Frémont, in 1846-'47—Continued.

Number of claim.	Name of claimant.	Nature of claim.	Amount claimed.	Amount allowed.	Amount disallowed or rejected.	Amount suspended.	Amount ruled out.	Amount to be paid at the treasury without further appropriation by Congress.	Amount paid by act of Congress.	Amount withdrawn.
79	James Stokes.	Subsistence, &c.	\$241 08	\$241 08						
80	James Stokes.	A horse.	80 00	80 00						
81	D. Fallon.	A rifle.	15 00	15 00						
82	S. Finley.	A rifle.	15 00	15 00						
83	William O'Coner.	A cow.	8 00	8 00						
84	James Stokes.	Tea.	20 00	20 00						
85	James Stokes.	Cash.	67 00	67 00						
86	James Stokes.	Cash.	12 00	12 00						
87	James Stokes.	Cash and dry goods.	34 00	34 00						
88	Charles Weber.	Shoes, tobacco, &c.	10 00	10 00						
89	Vicente Gomez.	Horses, saddle, &c.	525 00	525 00						
90	James Stokes.	Saddle, &c.	21 00	21 00						
91	James Stokes.	Groceries.	25 25	25 25						
92	Frank Lettstone.	Groceries.	25 00	25 00						
93	Jose Martinez.	Dry goods.	209 50	209 50						
94	Tomaso Hernandez.	Horses.	120 00	120 00						
95	Miguel Castro.	Horses, &c.	100 00	100 00						
96	Antonio Garman.	Horses, &c.	174 00	174 00						
97	Thomas M. Robbins.	Horses, &c.	350 00	350 00						
98	Thomas M. Robbins.	Subsistence, groceries, &c.	143 46	143 46						
99	Francisco (a Mexican).	Services rendered.	42 00	42 00						
100	Antonio Carillo.	Groceries, &c.	1,162 62	600 00	\$562 62					
101	Thomas W. Burgess.	A rifle.	85 00	85 00						
102	Benjamin Foxen.	Subsistence.	80 00	80 00						
103	Benjamin Foxen.	Forage, &c.	35 00	35 00						
104	John Davis.	Blacksmith's work, &c.	23 87 1/2	23 87 1/2						
105	Captain William Dallas.	A cullas.	12 00	12 00						
106	Antonio Col.	Horses, &c.	233 00	135 00		88 00				
107	Julio Crestaine.	Clothing.	475 13	475 13						
108	William Knight.	A saddle, &c.	9 00	9 00						
109	Charles H. Burrell.	Pistols.	15 00	15 00						
110	Captain George W. Vincent.	Horses, arms, &c.	12 00	12 00						
111	Moses Carson.	Subsistence and ordinance.	633 00	156 53		633 00				
112	Melhus & Howard.	Cash.	156 53	350 00						
113	Talbot H. Green.	Subsistence and equipments.	350 00	350 00						
114	John Temple.	Subsistence and equipments.	30 50	30 50						

115 David Alexander.....	Subsistence, fuel, and transportation.....	57 00	57 00						
116 John Foster.....	Horses.....	60 00	60 00						
117 Abel Stearns.....	Transportation, &c.....	34 00	34 00						
118 Manuel Requena.....	Provisions.....	35 00	35 00						
119 Abel Stearns.....	Ordnance and stationery.....	161 50	161 50						
120 Charles W. Fluere.....	Ordnance and stationery.....	49 50	49 50						
121 Francisco Figueroa.....	Subsistence and forage.....	198 75	198 75						
122 Alexander Bell.....	Subsistence, ordnance, forage, &c.....	761 39	761 39						
123 John Guinigo.....	Repairs to property.....	40 00	40 00						
124 John Greet.....	A horse.....	95 00	95 00						
125 William L. Todd.....	A rifle.....	85 00	85 00						
126 William Knight.....	Services rendered.....	300 00	300 00						
127 William Diehl.....	A horse.....	85 00	85 00						
128 Robert F. Russell.....	Property lost.....	46 25	46 25						
129 Marion Wise.....	Goods.....	114 50	114 50						
130 T. S. Martine.....	Horses.....	50 00	50 00						
131 T. S. Martine.....	A horse, &c.....	84 50	84 50						
132 William N. Loker.....	A rifle.....	50 00	50 00						
133 William H. Russell.....	Quarters and fuel.....	161 50	161 50						
134 William H. Russell.....	Transportation, subsistence, &c.....	517 21	517 21						
135 J. C. Fremont.....	Horses.....	50 00	50 00						
136 Miles Goodyear.....	Cash.....	4,500 00	4,500 00						
137 Miles Goodyear.....	Drinking.....	663 50	663 50						
138 Alexander Bell.....	Drinking and tobacco.....	1,185 50	1,185 50						
139 Alexander Bell.....	Feet of officers' quarters.....	900 00	900 00						
140 Henry Mellus.....	Quarters and fuel.....	229 11	229 11						
141 Nathan Barber.....	Camp equipage.....	27 75	27 75						
142 Julia Cristaline.....	A saddle.....	25 00	25 00						
143 Richard Ridley.....	Stationery, &c.....	45 25	45 25						
144 Magdalena Ortega.....	A horse.....	40 00	40 00						
145 Joe Salazar.....	A horse.....	30 00	30 00						
146 Richard Ridley.....	Cattle.....	973 00	973 00						
147 Henry Mellus.....	Carpenter's work.....	25 00	25 00						
148 Frederick Treichemaker.....	A sword.....	153 00	153 00						
149 William A. Richardson.....	Amor.....	13 00	13 00						
150 Alexander Bell.....	Horses, cattle, subsistence, transportation, &c.....	6,683 00	6,683 00						
151 Abel Stearns.....	Cash.....	2,385 98	2,385 98						
152 Jacob P. Luse.....	Cash.....	6,411 50	6,411 50						
153 Antonio Jose Cot.....	Horses, arms, groceries, &c.....	8,984 50	8,984 50						
154 John Adams.....	Cash.....	8,240 00	8,240 00						
155 Lewis T. Burton.....	Harness.....	900 00	900 00						
156 Mariana Wilson.....	Clothing.....	168 50	168 50						
157 John Wilson.....	Porter.....	75 00	75 00						
158 Mariana Wilson.....	Coffee.....	84 00	84 00						
159 Francisco Castro.....	A saddle.....	11 00	11 00						
160 Jose Jesus Valledo.....	Horses, cattle, &c.....	8,045 00	8,045 00						
161 Francisco Arco.....	Horses, cattle, &c.....	2,925 00	2,925 00						
162		5,000 00	5,000 00						

c Rejected, being included in claim No. 187.

d This amount is now on the books of the treasury to the credit of the claimant.

e This amount is now on the books of the treasury to the credit of the claimant.

f The claim is for \$3,000 and interest, at 2 per cent, per month for four months.

a Included in claim No. 131.

b This was withdrawn as a claim before the board. It has been settled by act of Congress for the relief of Lieut. Colonel Fremont, approved March 3, 1853, being included in claim No. 6.

B—Schedule of claims contracted in California under Lieutenant Colonel John C. Frémont, in 1846-'47—Continued.

Number of claim.	Name of claimant.	Nature of claim.	Amount claimed.	Amount allowed.	Amount disallowed or rejected.	Amount suspended.	Amount ruled out.	Amount to be paid as the treasury withholds further appropriation by Congress.	Amount paid by act of Congress.	Amount withdrawn.
162	Bruno Bernal .....	Horses, cattle, &c.	\$10,750 00			\$10,750 00	\$1,250 00			
163	Francisco Z. Branch .....	Horses.	1,250 00			5,585 00				
164	Jose S. Barricyeta .....	Horses, cattle, &c.	5,585 00			12,912 50				
165	Victor Carrero .....	Horses, cattle, &c.	12,912 50			8,516 00				
166	Joaquin J. Castro .....	Horses, cattle, &c.	8,516 00			9,180 00				
167	Maria Josep Sanchez .....	Horses, cattle, &c.	9,180 00			5,540 00				
168	Ignacio Pacheco .....	Horses, cattle, &c.	5,540 00			11,615 00				
169	Juan B. Alvarado .....	Horses, cattle, &c.	11,615 00			14,967 00				
170	Marcos Yacca .....	Horses, cattle, &c.	14,967 00			1,545 00				
171	Benito Diaz .....	Horses, cattle, &c.	1,545 00			26,200 00				
172	Jose Raphael Gonzalez .....	Horses, cattle, &c.	26,200 00			11,921 25				
173	Vicente P. Gomez .....	Horses, cattle, &c.	11,921 25			2,575 00				
174	Gabriel de la Torre .....	Horses, cattle, &c.	2,575 00			2,950 00				
175	Francisco Fico .....	Horses, cattle, &c.	2,950 00			8,375 00				
176	Pedro Basquez .....	Horses, cattle, &c.	8,375 00			8,950 00				
177	Santiago Duckworth .....	Horses, cattle, &c.	8,950 00			2,285 00				
178	Vicente Espinoza .....	Horses, cattle, &c.	2,285 00			5,150 00				
179	Vicente Martinez .....	Horses.	5,150 00							
180	Grimes & Sinclair .....	Horses, &c.	850 00	\$371 00						
181	John Sinclair .....	Horses.	850 00	75 00						
182	Michael Nye .....	Horses and saddles.	75 00	91 00						
183	Lewis Vigne .....	Building materials and ordnance	91 00	232 38						
184	Lewis Vigne .....	Camp equipage, clothing, &c.	232 38	542 00						
185	Lewis Vigne .....	Wheat.	542 00	169 53						
186	Lewis Vigne .....	Blankets.	169 53	88 00						
187	John Reed .....	Ordnance.	88 00	65 00						
188	John Reed .....	Keeping horses.	65 00	165 00						
189	John Reed .....	A horse.	165 00	25 00						
190	Gabriel Scott .....	A ride.	25 00	85 00						
191	Bernard no Lopez .....	Feed.	85 00	40 00						



B—Schedule of claims contracted in California under Lieutenant Colonel John C. Frémont, in 1846-'47—Continued.

Number of claim.	Name of claimant.	Nature of claim.	Amount claimed.	Amount allowed.	Amount disallowed or rejected.	Amount suspended.	Amount ruled out.	Amount to be paid at the treasury without further appropriation by Congress.	Amount paid by act of Congress.	Amount withdrawn.
346	Carlos Antonio Carrillo	Horses, &c.	\$14,010 00	\$4,035 00	\$9,975 00					
347	Isaac J. Sparks	Clothing, horses, &c.	657 74	657 74						
348	Jose Rodriguez	Keeping horses	46 00	46 00	46 00					
349	William Fallon	A mule	50 00	50 00						
350	Isaac J. Sparks	Sugar	16 00	16 00						
351	Bernardina Lopez	A saddle, &c.	20 00	20 00						
352	William Breck	A horse, &c.	30 00	30 00						
353	William F. Swasey	A saddle, &c.	40 00	40 00						
354	Manuel Joy	A horse.	20 00			\$23 00				
355	Paschal Botaires	Horses.	36 00	36 00						
356	Isaac J. Sparks	A rifle and pistols	102 50	102 50						
357	William Breck	Percussion caps and rifle.	80 00	73 00		80 00				
358	Isaac J. Sparks	Powder, lead, &c.	73 00	73 00						
359	Isaac J. Sparks	A rifle and pistols	90 00	50 00		90 00				
360	Isaac J. Sparks	Cash	50 00	19 00						
361	Isaac J. Sparks	Wheat	19 00	19 00						
362	Isaac J. Sparks	Tobacco	11 00			11 00				
363	Isaac J. Sparks	A rifle.	50 00	50 00						
364	Samuel Gibson	Quarters and fuel.	78 45	78 45						
365	Samuel Gibson	Quarters and fuel.	115 62	115 62						
366	J. P. Long	Quarters and fuel	121 74	121 74						
367	Nathan Barber	Shoes	2 50	2 50						
368	Nathan Barber	Injury to rifle.	8 00	3 00						
369	John Grigby	Horses and cattle.	Not stated.		Not stated.					
370	John Grigby	Saddles, &c.	44 00			44 00				
371	John Grigby	Transportation.	12 00	12 00						
372	John Grigby	Horses, &c.	135 00			135 00				
373	John Grigby	Horses	115 00			115 00				
374	Elas Barnett	A saddle, &c.	20 25			20 25				
375	A. C. Jones	A saddle, &c.	13 50			13 50				
376	P. B. Reading	Quarters and fuel.	920 39							
377	J. A. Grifth	Repairing barracks	1,000 00	250 20						
378	Falstrom & Foster	Mules.	1,000 00			1,000 00				

## ALPHABETICAL LIST OF CLAIMANTS.

A.	No. of claim.	D.	No. of claim.
Arnake, José.....	26	Den, N. A.....	20
Arnake, José.....	69	Den, N. A.....	27
Ardisson, E.....	61	Den, Nicolas A.....	36
Ardisson, E.....	64	Dana, William.....	28
Alexander, David.....	115	Dana, Capt. William.....	105
Adams, John.....	154	Davis, William H.....	30
Arof, Francisco.....	161	Davis, William H.....	37
Alvarado, Juan R.....	169	Davis, William H.....	38
Argüello, Santiago E.....	197	Davis, William H.....	39
Argüello, Santiago E.....	199	Ducorning, Eugene.....	42
Alavisa, Juan Pedro.....	208	Dohling, George.....	48
		Dalton, H.....	72
B.		Davis, John.....	104
Berryata, Francisco.....	45	Domingo, John.....	123
Baldwin, Alfred.....	46	Dicky, Wm.....	127
Borch, Charles.....	55	Diaz, Benito.....	171
Burch, Charles H.....	109	Duckworth, Santiago.....	177
Botello, Narcissa.....	73	Daylor, William.....	258
Burgess, Thomas H.....	101		
Bell, Alexander.....	122	E.	
Bell, Alexander.....	138	Elliott, William B.....	67
Bell, Alexander.....	139	Espinoza, Vicente.....	178
Bell, Alexander.....	150		
Barber, Nathan.....	141	F.	
Barber, Nathan.....	267	Foxen, B. W.....	23
Barber, Nathan.....	268	Foxen, Benjamin.....	102
Barton, Lewis T.....	155	Foxen, Benjamin.....	103
Barton, Lewis T.....	232	Fallon, D.....	81
Barton, Lewis T.....	233	Fallon, Thomas.....	244
Barton, Lewis T.....	234	Fallon, William.....	249
Bernal, Bruno.....	162	Finley, S.....	82
Branch, Francisco Z.....	163	Foster, John.....	116
Berryeza, José S.....	164	Flugge, Charles W.....	120
Basquez, Pedro.....	176	Figuro, Francisco.....	121
Bellamy, G. W.....	205	Frémont, Lieut. Col. John C.....	135
Bellamy, G. W.....	206	Ford, Henry L.....	196
Breck, William.....	252		
Breck, William.....	257	G.	
Boitares, Paschal.....	255	Green, Talbot H.....	2
Barnet, Elias.....	273	Green, Talbot H.....	113
Barnet, Elias.....	274	Green, H. A.....	31
		Green, Jacob.....	124
C.		Gonzales, Raphael.....	60
Carrillo, Julio.....	11	Gonzales, José Raphael.....	172
Carrillo, Pedro.....	75	Gomez, Vicente P.....	173
Carrillo, José Antonio.....	100	Goodyear, Miles.....	68
Carrillo, Carlos Antonio.....	246	Goodyear, Miles.....	136
Cypriano, Ignacio.....	34	Goodyear, Miles.....	137
Cardwell, H. H.....	47	Gomez, Vicente.....	89
Castro, Modesta.....	65	Grimes & Sinclair.....	180
Castro, Miguel.....	96	Garcia, Pancho.....	224
Castro, Francisco.....	159	Garcia, Bernardina.....	227
Castro, Victor.....	165	Gibson, Samuel.....	264
Castro, Joaquin J.....	166	Gibson, Samuel.....	265
Castro, José.....	223	Grigsby, John.....	269
Copeland, Lieut. A.....	70	Grigsby, John.....	270
Cot, Antonio.....	106	Grigsby, John.....	271
Cot, Antonio José.....	153	Grigsby, John.....	272
Cretainé, Julio.....	107	Griffith, J. A.....	277
Cretainé, Julio.....	142	Garman, Antonio.....	97
Carson, Moses.....	111		
Canaa, Vicente.....	203		

## ALPHABETICAL LIST OF CLAIMANTS—Continued.

H.	No of claim	O.	No. of claim.
Hüttman, F.....	6	O'Conner, William.....	83
Howard, William.....	21	Ortega, Magdalena.....	144
Howard, W. D. M.....	51		
Howard, W. D. M.....	52	P.	
Hernandez, Tomas.....	95	Phelps, William D.....	4
Higera, Joachim & Juan.....	207	Phelps, William D.....	230
Hartgrave, William.....	236	{ Prudon, Victor.....	12
Horn, William.....	237	{ Prudhomme, Victor.....	6
Hughes, Wm. M.....	243	Paty & Co.....	71
		Pacheco, Ignacio.....	146
J.		Pico, Francisco.....	125
Juarez, Cayetano.....	15	Pickett, Charles E.....	223
Joy, Manuel.....	254	Pickett, Charles E.....	220
Jessee, A. C.....	275	Pickett, Charles E.....	221
		Petit, Huber.....	225
K.		Patterson & Foster.....	276
Kelsey, Samuel.....	32		
Kelsey, Samuel.....	239	R.	
Kelsey, Samuel.....	240	Rodriguez, Damasa.....	13
Knight, William.....	108	Rodriguez, José.....	246
Knight, William.....	126	Rosa, José de la.....	14
Kell, Thomas.....	211	Ray, John G.....	17
Kell, Thomas.....	212	Reed, B. T.....	43
King, Henry.....	231	Reed, John.....	187
		Reed, John.....	188
L.		Reed, John.....	189
Leidesdorff, William A.....	3	Reading, P. B.....	44
Leitstone, Frank.....	93	Reading, P. B.....	50
Loker, William N.....	133	Reading, P. B.....	276
Leese, Jacob P.....	152	Robbins, Thomas M.....	96
Lopez, Bernardina.....	191	Requené, Manuel.....	118
Lopez, Bernardina.....	251	Russell, Robert E.....	128
Leiveira, Manuel de.....	195	Russell, William H.....	134
Lugo, Nicanor.....	201	Russell, William H.....	135
Little, Milton.....	218	Ridley, Richard.....	143
Long, J. P.....	276	Ridley, Richard.....	146
		Richardson, William A.....	148
M.			
Mümm, Christiana.....	18	S.	
Martinez, Andreas.....	35	Sutter, John A.....	5
Martinez, José.....	94	Sutter, John A.....	41
Martinez, Vincente.....	179	Stokes, James.....	22
Mellus & Howard.....	112	Stokes, James.....	74
Mellus, Henry.....	140	Stokes, James.....	78
Mellus, Henry.....	147	Stokes, James.....	79
Martin, T. S.....	132	Stokes, James.....	80
M'Cleary, James.....	192	Stokes, James.....	84
Maron, Juan Maria.....	198	Stokes, James.....	85
Monet, John.....	200	Stokes, James.....	86
Murphy, Daniel.....	210	Stokes, James.....	87
McDowell, James.....	213	Stokes, James.....	90
McDowell, James.....	214	Sears, Captain John.....	24
McDowell, James.....	215	Sears, John.....	66
Miranda, Mariana.....	225	Sears, Franklin.....	241
Moraga, Francisco.....	226	Stearns, Abel.....	54
Mesa, Alexandro.....	228	Stearns, Abel.....	6
		Stearns, Abel.....	6
N.		Stearns, Abel.....	11
Nutall, Lieutenant William H.....	19	Stearns, Abel.....	11
Nye, Michael.....	182	Stearns, Abel.....	15
		Salazar, José.....	14

### ALPHABETICAL LIST OF CLAIMANTS—Continued.

[illegible]





27	William H. Davis.	Meaten, clothing, &c.	668 50	668 50					
28	William H. Davis.	Subsistence	785 40	785 40					
29	William H. Davis.	Subsistence	1,000 00	1,000 00					
30	Leut. J. K. Wilson.	Pay for services.	0 14					\$14 00	
41	John A. Sutter.	Subsistence, &c.	2,693 75	2,693 75					
42	Eugene Decoring.	Pay for services.	161 00					161 00	
43	B. V. Reed.	Cash	800 00					800 00	
44	P. E. Reading.	Camp equipage	88 25			2 25			
45	Francisco Berryta.	A horse.	25 00						
46	Alfred Baldwin.	A horse.	25 00						
47	H. H. Cardwell.	Pay for services.	119 80	119 80					
48	George Dohling.	Pay for services.	17 88	17 88					
49	Victor Prudhomme.	Pay for services.	65 00	65 00					Not stated.
50	P. E. Reading.	Arms.	558 50						
51	W. D. M. Howard.	Cash	75 00	75 00					
52	W. D. M. Howard.	Ship bread.	297 88						
53	C. M. Weller.	Pay for services.	100 80	100 80					58 50
54	Abel Shearns.	Beans	24 00	24 00					
55	Charles Burch.	A saddle.	1,868 00						397 88
56	A. B. Thompson.	Ordinance supplies.	54 00	54 00					
57	A. B. Thompson.	Arms.	350 00	350 00					
58	Ward & Smith.	Ammunition	141 50	141 50					
59	Raphael Gonzales.	Stationery	45 00	45 00					
60	E. Ardison.	Horses	37 50	37 50					
61	Abel Shearns.	Material for tents.	45 00	45 00					
62	Abel Shearns.	Office rent, &c.	24 00	24 00					
63	E. Ardison.	Clothing	45 00	45 00					
64	E. Ardison.	Forage	870 00	870 00					
65	Modesta Castro.	Horses	30 00	30 00					
66	John Bear.	Camp equipage	30 00	30 00					
67	William B. Elliott.	A horse.	30 00	30 00					
68	Miles Goodyear.	Horses	40 00	40 00					
69	Joe Arnak.	Deerskins.	76 00	76 00					
70	Lieut. A. Copeland.	Quarters and fuel.	81 24	81 24					
71	Pay & Co.	Horses, &c.	231 50	231 50					
72	H. Dalton.	Lumber	598 50	598 50					
73	Narcissa Bottello.	Liquor and household utensils.	100 00	100 00					
74	James Stokes.	Cash	13 00	13 00					
75	Pedro Carrillo.	Cattle, &c.	1,198 00	1,198 00					
76	Charles White.	Subsistence	8 00	8 00					
77	James Stokes.	Shoes	4 00	4 00					
78		Subsistence, &c.	34 25	34 25					

a The claim is for \$1,500 and interest, at 2 per cent. per month. The interest allowed for one year eight months and five days, at 2 per cent. per month.

b Requested.

c Claim allowed as claim No. 118.

d Withdrawn by claimant afterwards.

e See act for relief of Lieutenant Colonel Fremont, approved March 8, 1868.

f Withdrawn and submitted as explanatory to claims Nos. 7, 8, 9.

g Being for services as an officer, the account ought to be paid by Second Auditor.

h Being for services as a soldier, the account ought to be paid by Second Auditor.

i Being for services as a soldier, the account ought to be paid by Second Auditor.

j A draft drawn on private account.

k Being for services as a soldier, the account ought to be paid by Second Auditor.









escalade, by the aid of flanked ditches, and by the escarpment of parts of the rocky shore, at present not sufficiently precipitous to shut out an enemy. It is well suited to the locality, but will involve an expenditure far beyond the original estimates. Some changes in the details of construction will be necessary. Excavations already made for the ditches of the north and south batteries, show that the scarps of these ditches will require revetting. The upper face of the road cut from the wharf to the guard house, and the scarp of the ditch extending to the north caponier will doubtless need masonry protection. The guard-house, defending the road to the wharf is not proportionate to the other flanking arrangements. Yet the landing place is more accessible than any other point of the island. For this reason it is recommended to enlarge the guard-house sufficiently to submit the road and wharf landing to the fire of two 24-pound carronades at least. Should there be any difficulty in cutting the shore rock, from the bend at the landing to the three gun battery, to an inaccessible face, a small brick building, like that at present designed for the guard-house, may readily be arranged to flank this shore. The guns of the west branches of the north and south batteries fire towards the harbor entrance only when traversed to their extreme range. For this reason, the board submit a sketch of an additional battery for eight guns, to be located upon the western slope of the island, looking directly towards the Golden Gate. When the whole system of defence for the bay of San Francisco shall be completed, the three gun battery, designed to prevent a fleet from lying towards Yerba Buena, will be sufficient for the purpose intended, but so long as San Francisco shall depend for its defence upon the fortifications on Alcatrazas, aided only by temporary batteries upon the city shore, this three gun battery will be quite inadequate. Whether other guns should be placed upon the southeast end of the island, will depend upon the progress made at the batteries closing the entrance to the harbor. The barracks designed for Alcatrazas will not accommodate a full garrison, with all the munitions required for war service; it will doubtless be necessary to double these accommodations. It is recommended to erect a powder magazine upon the least exposed part of the island, to avoid storing so large a mass of powder contiguous to service magazines, in defensive buildings, when there is ample room elsewhere. The board suggest a change in the flanking arrangements between the north caponier and wharf, as shown in red lines upon the traced plan submitted; some masonry may be avoided by this change. It places the foot of the scarp in the water for a great portion of its length. The points A, B, and C, could be removed by blasting, and the entire space to the landing submitted to the fire of the enlarged guard-house. Further examinations will be necessary to determine if the escarpment will stand without the aid of masonry.

L. B. TOWER,  
*Bvt. Major Engineers.*  
H. W. HALLECK,  
*Capt. Corps Engineers.*  
J. G. BARNARD,  
*Bvt. Major Engineers.*

*of cost of works of defence for Alcatrazas island, San Francisco bay, as modified and enlarged.*

estimate by the board of engineers, omitting last	
.....	\$262,144
of north and south batteries, 4,798 cubic yards	
5.....	\$119,950
the first estimate of these batteries.....	58,239
	<hr/>
	61,711
of new guard-house, 426 cubic yards....	10,650
the first estimate of guard-house.....	2,952
	<hr/>
	7,693
1 battery for 8 guns, 518 cubic yards at \$25	12,950
1 barracks as in first estimate.....	85,947
ms, under estimated, at \$125.....	5,375
ial platforms, at \$225.....	1,800
e yards asphalt, additional, at \$200.....	852
magazine masonry, 20 by 30, 550 cubic yards,	
5.....	13,750
magazine.....	1,000
manent cisterns, 400 cubic yards, at \$25.....	10,000
porary wharves, building a cement house, car-	
pers' and smiths' shops, storehouse for tools and	
inery, officers' quarters for master workmen and	
seers, barracks for masons and for men, mess	
e, kitchen, tanks, mortar mill, stable, powder	
e, cranes, derricks, and roads from wharf to	
and south batteries.....	40,000
and cutting away portions of the island to make	
accessible .....	25,000
be necessary (as it probably will be) torevet	
oad, cut and scarp the ditch of north capou-	
it will cost (cheapest masenry).....	50,000
icies, such as vessels, boats, supply of water,	
rent and office expenses, and contingent pay	
and unforeseen expenses.....	21,773
	<hr/>
mate .....	<u>600,000</u>

L. B. TOWER,  
*Bvt. Major Engineers.*  
H. W. HALLECK,  
*Capt. Corps Engineers.*  
J. G. BARNARD,  
*Bvt. Major Engineers.*









**REPORT  
OF  
THE SECRETARY OF WAR,**

**MADE**

*compliance with a resolution of the Senate in relation to the work done under the appropriations of 1852 for the improvement of western rivers and harbors.*

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MARCH 29, 1854.—Ordered to lie on the table and be printed.

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WAR DEPARTMENT,  
*Washington, March 28, 1854.*

SIR: I have the honor to submit herewith a report of the colonel of topographical engineers, prepared in reply to a resolution of the Senate the 10th of January, "That the Secretary of the Department of War furnish the Senate, as soon as practicable, with a report of all work done under the appropriations of eighteen hundred and fifty in reference to western rivers and harbors."

Very respectfully, your obedient servant,  
JEFFERSON DAVIS,  
*Secretary of War.*

Hon. D. R. ATCHISON,  
*President of the Senate.*

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BUREAU OF TOPOGRAPHICAL ENGINEERS,  
*Washington, March 24, 1854.*

SIR: I have the honor to acknowledge your direction to report upon resolution of the Senate of the 10th January, calling for a report of the work done under the appropriation of 1852 in reference to western rivers and harbors.

This resolution requires information on the following points:

1. Of the improvement of the navigation of the Mississippi below rapids.
2. The Ohio river, including the repair of the dam at Cumberland and.
3. Missouri river.
4. Arkansas river.
5. Illinois river.
6. Rock river and Des Moines rapids.
7. The construction and repair of snag boats, &c.

8. The removal of obstructions at the harbor of Dubuque, Iowa.

9. Improvement of the Tennessee within a stated length.

The information communicated is derived chiefly from the reports of Lieut. Col. S. H. Long ; Lieut. Col. J. E. Johnston ; J. Barney, esq., agent at Dubuque ; G. A. Dunlap, esq., agent for the Illinois ; and Lieut. Col. J. McClellan upon the Tennessee river.

"The portions of these rivers which are considered as having claims upon particular attention, not including the Tennessee, are the Ohio, from Pittsburg to its junction with the Mississippi, 1,000 miles ; the Mississippi, from the mouth of the St. Peter's to Natchez, 1,785 miles ; the Missouri, from its junction with the Mississippi, to Council Bluffs, 660 miles ; the Arkansas, from its junction with the Mississippi, to Fort Gibson, 590 miles ; the Illinois, from its junction with the Mississippi, to La Salle, 255 miles ; making in the aggregate 4,280 miles of river way which requires improvement.

"The improvements consist in the dredging of sand bars, the removal of snags, rocks, sunken logs, impending trees, wrecks, &c. ; the construction of wing dams, jetties, &c., for reducing width and increasing depth, and increasing depth of passes ; the opening of channels across sand and gravel bars by dredging ; the construction of canals and sluices at rocky shoals and rapids ; the formation and protection of commodious harbors at commercial points, &c.

"A brief general view of the present condition of these several rivers will be given."

#### *"Mississippi river.*

"From Rock island rapids to Dubuque, 83 miles, there are very few obstructions to low water navigation for boats drawing from 3½ to 4 feet of water. The difficulties in this distance consist chiefly in the crookedness of the low water channel in its meanderings over shoals. From the Des Moines rapids to the mouth of the Missouri, 192 miles, the river abounds with shoals, with a low water channel-way of about 3 feet, and the channel-way across these shoals is exceedingly crooked, and lined with snags and logs—some of them very dangerous, particularly to night navigation.

"But it is considered that a few days of labor, with an efficient snag boat and crew, at a proper stage of water, would do much to suppress the dangers of the navigation.

"From the mouth of the Missouri down to Natchez, about 1,000 miles, snags, logs, wrecks, &c., are of frequent occurrence in the channel-way and on the bars, and especially in bends and along concave shores.

"The low water channel, throughout the entire distance above mentioned, has been successfully operated upon, and effectually cleared of all obstructions that were presented at the time when the work was in progress. The removal of snags, &c., from the Mississippi was commenced in the latter part of September, and has been prosecuted with all practicable diligence to the present date. Much remains to be done, however, on the bars in the island chutes, and even in the main channel itself ; for it should be borne in mind that although the channel

lepts are remarkably uniform in the lower stages of the river, yet on the subsidence of the latter the bottom of the channels subside at the same time, and new obstructions are continually presenting themselves at the bottom and sides of the channel thus deepened.

“ The removal of these and similar obstructions from the sides of the channel, also the cutting of prostrate trees, &c., on the dry bars, the removal of snags, &c., from the chutes, the falling of impending reefs, &c.

“ In order to exhibit a more intelligible view of the bends, &c., at which the operations of the snag boats have been applied, I hereto subjoin a list of the more formidable and dangerous passes at which they have operated, beginning at the mouth of the Missouri and ending at Natchez, premising that the low water, or rather shoal channels, at all the localities to be noticed in the list, have been effectually cleared of all obstructions visible and discoverable at the time of operation.

“ The list is as follows :

*Positions and distances from mouth of the Missouri (downward) to Natchez.*

Designation of passes.	Character of passes.	Intermediate distances.	Total distances.
Sawyer's Bend.....	Snaggy and dangerous ..	10	10
There to Turkey Island.....	Snags and scattering....	60	70
Turkey Island Bend.....	Very dangerous.....		
Grand Tower.....	Very snaggy.....	15	85
Tower Island.....	Occasional snags.....	5	90
Cairo.....	Snaggy and dangerous...	110	200
Bend at Island No. 10.....	Dangerous.....	60	260
Island No. 18.....	Very dangerous.....	55	315
Island No. 21.....	Dangerous.....	5	320
Bend at Island No. 25.....	.do.....	15	335
Islands No. 26 and 27.....	.do.....	10	345
Head of Island No. 30.....	.do.....	10	355
Bends at Plum Point No. 33.....	Very dangerous.....	10	365
Bends at Island No. 34.....	Dangerous.....	10	375
Bends at Island No. 35.....	.do.....	10	385
Bends at Island No. 37.....	Very dangerous.....	10	395
Devil's Elbow.....	Dangerous.....	10	405
Bend at Brandywine Bar.....	.do.....	10	415
Paddy's Hen and Chickens.....	.do.....	10	435
President Island.....	.do.....	10	445
Cow Island.....	.do.....	10	455
Buck Island.....	.do.....	20	475
Commerce Island.....	.do.....	10	485
Council Bend.....	.do.....	10	495
Grand Cut-off.....	.do.....	10	505
Walnut Bend.....	.do.....	10	515
Ship Island.....	.do.....	5	520
St. Francis' Island.....	.do.....	5	525
Helena Island No. 60.....	.do.....	10	535
Montezuma Bar.....	Very dangerous.....	5	540
Horse-shoe Cut-off.....	.do.....	10	550
Old Town Bend.....	Dangerous ..	10	560
Islands No. 62 and 63.....	.do.....	5	565
Island No. 64.....	.do.....	10	575
Island No. 65.....	.do.....	5	580
Indian Charley's Bend.....	.do.....	10	590
Islands No. 67 and 68.....	.do.....	10	600
Island No. 69.....	.do.....	10	610
Island No. 70 and 71.....	.do.....	10	620
Chicot Island Bend.....	Very dangerous.....	65	685
Kentucky Bend.....	.do.....	30	715
Princeton Island No. 89.....	Dangerous.....	10	725
Lara Island.....	.do.....	15	740
Bunches' Cut-off.....	.do.....	10	750
Island No. 93.....	.do.....	5	755
Island No. 95.....	.do.....	25	780
Islands No. 96 and 97.....	.do.....	10	790
Island No. 98.....	Very dangerous.....	5	795
Island No. 100.....	Dangerous.....	10	805
Milliken's Bend.....	.do.....	15	820
Papaw Island No. 103.....	Very dangerous.....	10	830
Natchez.....	Occasional snags.....	170	1,000

"In addition to the localities designated in the foregoing list, there are numerous others, intervening bends and beaches, in which snags and other obstructions to low water navigation are more or less frequently to be met with, besides numerous impediments to high water navigation, which abound in the shoals, and upon dry bars, and more especially in the *island chutes*.

"As before remarked, the low water channels have been effectually cleared of all snags, logs, &c., discoverable during the late low water season; while the shoals, at the sides of the channels, present numerous similar obstructions, not accessible to snag-boats in a low stage of water; and the dry bars are, in many places, overlaid and inlaid with prostrate and embedded trees and logs, not less formidable in higher stages."

*"The Ohio river, and the dam at Cumberland island.*

"From Pittsburgh to Brown's island, about 66 miles, the river presents a series of rocks, reefs, and shoals, at which the low water depth is too inconsiderable, in many places to admit the passage of steamers of the lightest drafts. Sluices have been opened at sundry points, and wing dams, jetties, &c., of stone, resting upon rock foundations, have been formed in numerous instances for the purpose of reducing the width of the channel, and compelling the water to flow in a narrower and deeper volume; much benefit has resulted from the construction of works of this sort, but much remains to be done in this way towards the completion of the improvements of which this portion of the river is susceptible.

"From Brown's island downward to Captina island, about 47 miles, rocks and gravel bars alternate with each other, at intervals of much greater extent than in the river above, the principal obstructions to navigation being occasioned by sand or gravel bars, more or less blended with pebbles, boulders, and rocks.

"Several wing dams have been partially constructed on this portion of the river, all of which ought to be completed, according to their original design, and some of them considerably extended; and, in addition thereto, the construction of others not yet commenced would, no doubt, contribute much to the improvement of low water navigation.

"From Captina island to Letart's falls, 128 miles, rocky reefs and shoals seldom occur, in the main natural channel of the river, but bars of sand and gravel, on which the low water depth is very inconsiderable and of frequent occurrence.

"At Marietta, Blennerhassett's island, and Buffington's island, side walls and wing dams of stone have been projected and partially constructed, for the purpose of diverting the water flow from its natural course, and directing it into the main low water channels.

"The dam at the head of Blennerhassett's island has, in some measure, produced the desired result; but the other works just mentioned have proved of doubtful efficacy. At these several points, and at many others on this part of the river, the process of dredging across sand and gravel bars may, no doubt, be applied to advantage.

"At Letart's falls the obstruction is occasioned by a reef of rocks extending quite across the bed of the river, through which the channel



is narrow and seriously obstructed by protruding rocks and boulders, over and between which the water is hurried with a velocity, and to a fall of about 5 feet, in a distance of less than half a mile.

"From Letart's downward, even to Louisville, 375 miles, the bed of the river is pretty generally destitute of rocky bars; but, in numerous instances, the river spreads to a great width, and the navigation is much obstructed by bars of sand and gravel, in very low stages of the river.

"The upper Ohio, commonly designated 'the Ohio above the falls,' presents, comparatively, but few snags and sunken logs; but its low water navigation is much endangered by wrecks of steamers, flat boats, and other craft.

"The most dangerous obstructions of this character, including snags, logs, &c., have been removed from the low water channel by the successful agency of the snag-boat Terror, (No. 5,) commanded by Captain J. K. Dillingham, who has been employed, during the last season, under the direction of C. A. Fuller, esq., on this portion of the river.

"From the falls downward to the mouth of the Ohio, about 400 miles, the navigation in low water is obstructed, at numerous points, by shoals occasioned by sand and gravel bars; and, in a single instance, by reefs of rocks extending across the bed of the river.

"The most troublesome bars are the following, viz: The Portland bar, a little below Sand island, and half a mile below the foot of the falls.

"No considerable effort has been made for the improvement of this shoal, although, it is believed, that such an improvement might readily be made.

"Formidable shoals again occur at Blue river island, and Flint island, respectively, 60 and 90 miles below Louisville, which are occasioned by indurated bars which present serious impediments in the way of low water navigation, especially the bar near the foot of French island. As yet, however, no attempts of any considerable moment have been made towards the improvement of either of these passes.

"At French island, 78 miles; Scuffletown, 88 miles; and Three Mile island, 96 miles below Flint island, wing dams of stone have been built for the purpose of retaining the low water flow to narrow channels leading across the shoal bars at these several points, but the results obtained in each case are of doubtful efficacy. In these several instances the shoals have been occasioned by extensive bars of loose sand stretching entirely across the bed of the river, which, in every case, is unusually broad.

"The dams having a mere bed of sand to rest upon, have been undermined and become dilapidated, and the water in low stages ceases to flow in the directions intended to be given by the dams.

"Bars of similar consistency, but of less extent, are of frequent occurrence in the lower Ohio, and many of them are nearly or quite as formidable as those above mentioned. In view of the inadequacy of wing-dams as a means of opening low-water channels across such bars, which has proved true in almost every instance of their introduction, I am inclined to repudiate their adoption in cases of the sort referred to, there are, no doubt, peculiar situations where their introduction and use may prove beneficial; but I doubt not that the process

of dredging, with apparatus properly constructed and adapted to the removal of sand, gravel, &c., from the low water channels across the bars, would prove more efficacious and economical in general, and at the same time less objectionable, on very many accounts, than the construction of wing-dams, jetties, &c., on sandy foundations.

"In this connexion I take occasion to observe, that the two dredge boats constructed for use on the western rivers, though very well adapted to the improvement of harbors, and to the deepening and widening of channels across sand and mud bars, upon which the water has a depth of about  $3\frac{1}{2}$  feet, yet, when they are not applicable, and cannot be used to advantage on bars having a less depth of water above them.

"The Cumberland dam affords a remarkable example of the ability of a rip-rap structure composed of stones of irregular forms, sizes, and dimensions, and based on a mere bed of sand of great depth, to withstand a head and fall of more than four feet of water. However questionable the propriety of its ever having been constructed may be, yet the fact above stated has an important bearing upon numerous subjects connected intimately with the improvement of many of the western rivers.

"This dam has been considerably enlarged and extended under the direction of C. A. Fuller, esq., during last summer, but is not yet completed; the operations upon it have, nevertheless, contributed to the formation of a navigable channel, in low water, between Cumberland island and the Kentucky shore, and to open an easy communication in a low stage of the river, between the Ohio, at the head of the island, and Smithland, at the mouth of the Cumberland—a communication that could not previously be had either above or below the island.

"The same operations have no doubt contributed to the formation of shoals at, or a little below, the foot of the island, (between four and five hundred yards below,) across which the low water depth is about three feet only, when a depth of four feet may be found on the bars both above and below the dam.

"The dredge-boat Gopher (No. 2) has been employed some time in efforts to open a channel across the shoal, but has failed of success, partly by reason of frequent interruptions from passing boats through the channel intended to be opened, and partly for the want of a sufficient depth of water at the shoals to admit the working of the dredge-boat. A dredge-boat of the character before suggested, could, no doubt, be used to better advantage in opening the desired channel at this point.

"Numerous bars on this part of the river, both above and below Cumberland island, require the operation of dredging, for the purpose of opening a low water channel across them; and it is confidently believed that the means and manner of operations before proposed, would prove more economical and efficacious than any others heretofore applied for similar purposes.

"The rocky reefs called the Little and Grand chains of the Ohio, respectively 16 and 34 miles above its mouth, are rendered somewhat dangerous by reason of numerous large boulders and other rocks situated in and near the low-water channel. Many of the rocks at the

Grand chain have been blasted and removed, while others remain at both chains, opposing obstructions in the way of free and safe navigation in low stages of the river.

"Snags, logs, and wrecks are accordingly to be met with on the lower Ohio, and have occasioned the destruction of several steamers; it is believed, however, that the most formidable of these obstructions will have been removed within the present month by the snag-boat Terror, (No. 5,) under the command of Captain J. K. Dillingham, who has been employed on this part of the river for several weeks.

"In further reply in reference to the Ohio river and the Cumberland dam, I submit a copy of the annual report of the agent, C. A. Fuller, dated September 1, 1853."

*"Missouri river.*

"The obstructions in this river are quite as numerous and formidable as those in the Arkansas, while the channels of the former are much broader, and the sand bars much less compact, and, of course, the snags much less firmly imbedded than those of the Arkansas.

"Two of the snag boats were employed in removing snags, &c., from an early date in August (about the 10th) till the latter part of September, (about the 20th,) when the river had subsided so much as to render a retreat to the Mississippi quite precarious.

"These boats succeeded in removing upwards of 500 dangerous snags from the low water channel, besides the cutting of trees and logs on the bars, and shoals, felling impending trees, &c. The portion of the river operated upon extends from its mouth to Smith's bar, about 160 miles, beyond which they could not ascend for want of a sufficient depth of water in the deepest channel.

"The shoals at the sides of the channels operated upon were more or less frequently beset with snags, which were not accessible to the snag boats, by reason of the shoalness of the water.

In more elevated stages, these obstructions become serious impediments in the way of navigation, and their removal can only be effected by repeated efforts of the snag boats, applied whenever the river is sufficiently full for the purpose.

"The craft best adapted to the removal of snags, &c., in the Missouri, should consist of one or more twin snag-boats of the largest class; a light draft snag-boat with a single hull, and one or more machine boats, susceptible of being towed from place to place, by either of the other boats; by means of such a flotilla, the more stubborn snags may be removed by the twin boat, while the single hull boat, and the machine boat can be employed to great advantage in removing obstructions from the shoaler parts of the river; moreover the light draft boat in company with the machine boat, can, without much inconvenience, continue their operations on any portion of the river between its mouth and the Council Bluffs, during the entire low water season, or from about the middle of July to the middle of November."

"In reference to the low water channels of the Mississippi, Missouri, and Arkansas, and especially in reference to those of the two former rivers, it should be particularly observed, that they are seldom identical

with, and cannot occupy the position of the deepest channels in more elevated stages; also that the bars formed on the more elevated stages overrun, fill up, and obliterate the low water channels; consequently, on the subsidence of the waters after every freshet, and especially after high floods, shoals begin to be presented when the surface of the rivers have an elevation of some 6, 8, or even 10 feet above their extreme low water marks. Hence the removal of snags, &c. from the shoal channels, first formed after the subsidence of the rivers affords no assurance that these same channels will remain unobstructed during the entire progress of the subsidence to extreme low water mark.

"However protracted this period may be, the depth of the shoal channels remains nearly equable, while the surfaces of the rivers are constantly subsiding; and although these channels may have been effectually cleared of obstructions at the more elevated stages, the progress of removing their obstructions must be repeated again and again some three or four times, in order to keep them unobstructed, till the river falls to its lowest stage.

"Accordingly the phrase '*low water channel*,' as used under the three last heads, is intended to be applied in all stages of the rivers at which shoals and the clause 'effectually cleared' has reference only to that stage, at which all obstructions had been removed from the main channels leading across the shoals existing at that stage.

"Hence it is obvious that the removal of all obstructions from low water or shoal channels, and the opening of free and safe navigation through them at one stage of the river, do not ensure safe navigation through them at a lower stage; also, that in order to accomplish this object, the operations of the snag-boats must be repeated from time to time, not only in the same localities, but at intervening points, at every considerable subsidence of the rivers, from the time when channel obstructions are first presented till the rivers shall have fallen to their lowest stage."

"In conclusion, under these heads, it should be observed that, at the time of my late inspections the depths of the water in the main channel across the shoal bars of the Mississippi did not exceed the ordinary depths of the same channels in extreme low water, although the river surface at the same points was elevated 6 to 10 feet above extreme low water mark."

*"Arkansas river.*

"The region drained by this river is apparently quite as spacious as that drained by the Ohio, while the extent of navigation afforded by the former and its tributaries is less than one-fourth of that afforded by the latter and its tributaries.

"The Arkansas river is navigable only to the junction of three forks distinguished by the names of the Arkansas, Verdigris, and Neosho, viz: a little less than 600 miles from its mouth. Its channel throughout this portion of the river is, for the most part, narrow and very crooked; its current rapid, corresponding to an average declivity of about 8 inches per mile; its bars occur at every bend, and are composed of sand and gravel firmly compacted, rocky reefs extending quite

across the channel, and of frequent occurrence on the upper half of the navigable portion, while snags and logs of large size and deeply imbedded in hard bars are abundant, especially on the lower half.

"The proper season for prosecuting the snag business on this river commences about the first of April, and terminates about the last of July.

"A rise occasionally takes place in October or November, but seldom continues long enough for successful operations with the snag-boats.

"During the last season the snag-boat, No. 4, entered the Arkansas, early in August, and succeeded in removing the snags from the low water channel through a distance of about 60 miles, upward from its mouth. In attempting to retreat from the river, this boat grounded on a bar a little below the White river cut-off, and was detained in consequence during an entire month, or 31 days.

"It is proper to observe in this place that the craft best adapted to the removal of snags, &c., from the Arkansas, is as follows, viz:

"A light draft snag-boat with single hull, accompanied by one or more machine boats of the usual construction, the latter being susceptible of towage from place to place by the former.

"The channel of the rivers, especially in low water, is too narrow and crooked, and the current too rapid to admit of the successful operation of a twin snag-boat of the usual size, although in an elevated stage of the river such a boat may operate to great advantage."

*Synopsis of work done.*

snag-boats.	Names of rivers improved by the removal of snags, &c.	Nature of obstructions removed.					
		Number of snags removed.	Number of stumps blasted.	Number of logs cut on bars and shoals.	Number of impending trees felled.	Number of wrecks removed.	Number of steamers relieved.
1	Missouri (a).....	304	10	.....	30	.....	.....
1	Mississippi.....	589	4	183	684	.....	.....
	Total.....	893	14	183	714	.....	.....
2	Mississippi (b).....	478	.....	17	213	.....	1
3	Missouri (c).....	155	.....	14	274	.....	.....
3	Mississippi.....	395	.....	16	65	.....	3
	Total.....	550	.....	30	339	.....	3
4	Arkansas (d).....	191	.....	271	108	.....	.....
4	Mississippi.....	306	.....	38	31	.....	.....
	Total.....	497	.....	309	139	.....	.....
5	Ohio (e).....	182	36	26	7	27	.....

*Aggregate of the obstructions removed by all of the snag-boats—five in number.*

1	.....	893	14	183	714	.....	.....
2	.....	478	.....	17	213	.....	1
3	.....	550	.....	30	339	.....	3
4	.....	497	.....	309	139	.....	.....
5	.....	182	36	26	7	27	.....
	Total.....	2,600	50	565	1,411	27	4

(e.) "No. 5.—Commenced work in the upper Ohio about the 1st of May; was rendered operative at the head of the falls, from July 22 to November 10, by reason of low water. At the date last mentioned, she crossed the falls and resumed operations in the lower Ohio. "During the detention above mentioned, she received needful alterations and repairs, including two derricks at her bows, a set of cross hog chains, with Sampson posts, an enlargement of her cutting beam, and fastening for cylinder timbers; recaulking of boot tops, &c."

*"Illinois river.*

"In ordinary stages of the water, this river is remarkably favorable for navigation with steamers drawing 4 to 5 feet, and in the more elevated stages for boats of much greater draft. In ordinary low water its navigation is much obstructed by numerous shoals, of which there are no less than thirty-three, respectively varying in their aggregate extent from 50 or 60 yards to a mile, and in one instance, at what is called the Naples flats, about 65 miles from the mouth of that river, to more than twice the distance last mentioned."

The following is taken from the report of G. A. Dunlap, esq., the agent appointed to disburse the funds appropriated for the improvement of that river:

"I have the honor to report upon the arrival of the dredge boat, Gopher, No. 2, in the Illinois river; that we proceeded up to Guilford bar, it being the third bar from the mouth of the river, and the first one that was deemed sufficiently shoal to dredge. The boat arrived at this bar on the third of November; we did not commence operations on the bar until the 8th, (having to spend several days in fitting up boats for service,) at which time we commenced operations. The boat was drawing from 6 to 9 inches more water than was found on the bar, consequently we found it exceedingly difficult to operate to any advantage; the channel through this bar being very narrow, and boats ascending and descending were constantly grounding, and would lay for hours. This bar was composed principally of muscle shells, and hard to cut; we succeeded in cutting a channel through, one hundred and fifty yards in length, and two hundred feet in width, leaving from four to five feet water in the channel on the bar; boats can now pass through this improvement without any difficulty. This statement will account for the few hands on board at the commencement of this service; they could not be employed advantageously to the service; we could only use two scows in conveying the dirt from the boat, and but a short distance to take it; under other and more favorable circumstances this work could have been accomplished in twelve days, whereas it has required double that time. After finishing this bar we proceeded with the boats to the Naples flats, as it was deemed a better and safer place to lay up the boat for the winter. We commenced operations, but in consequence of breaking of the elbow of the force pump were compelled to suspend; at this time I received orders to lay the boat up. I put her into winter quarters at the foot of the flats near Griggsville ferry landing; we found the power of the boat to be inadequate to the service in consequence of the size of the buckets, consequently I retained the engineer on board to assist in cutting the buckets, to give them proportion to the power of the boat, which was accomplished on the 31st December, and he was discharged from service. In consequence of other repairs being required on board before we will be again fitted for service, I have retained Captain Stewart on board of the boat, who (together with one hand) will fit the boats up and have them ready for active operations next season; the boats, including those used by the surveying corps, are now in quarters at Griggsville, under the care of Captain Stewart."

*“Rock river and Des Moines rapids.”*

‘The improvement of the Rock island rapids has been committed to charge of J. Barney, esq.

‘Surveys for determining the position of the channel most susceptible improvement, and of the obstacles therein in the way of navigation, were commenced early in July, under the charge of Lieutenant Warren, with the understanding that they would be executed in conformity to the advice and counsel of Major Floyd and Mr. Barney, and with the expectation that they would be completed early in October; but their progress was much retarded by high water, which prevented the accomplishment of the river work till a late date in November.

‘The surveys have been made with great care and precision, and the drawings constructed therefrom exhibit the features of the rapids in a clear light, and show, with distinctness, the positions, nature, and magnitude of the obstructions to be removed.

‘Captain Barney advertised for proposals preparatory to a commencement of the improvement of Rock island rapids early in October; but, at the end of the usual period for receiving proposals, no acceptable proposals had been made by contractors desirous of engaging in the work.

‘From Rock island to the Des Moines rapids, 130 miles, a few obstructions, consisting of snags, logs, and occasional boulders and other obstacles, are here and there to be met with, but they cause no very serious formidable impediments in the way of steamboat navigation, the lower depth in the main channel, throughout this portion of the river, being 3½ to 4 feet.

‘The Des Moines rapids have also been surveyed by Lieutenant Warren; but the drawings explanatory of the surveys have not yet been completed. Sketches from the copious field and river notes, taken from the surveys of the lower and English chains, have already been prepared; and from the results obtained, Major Floyd, the agent, has called for proposals in due form for the execution of the work on these two rapids; but, by the latest intelligence from the agent, no favorable offers have as yet been made.

‘Sketches from the river notes taken on the other chains, and relating to far the greater portion of the Des Moines rapids, remain to be drawn, and cannot properly be applied for this purpose, without the personal attention and direction of the officer by whom they were made.

‘Owing to the prevalence of water stages unusually elevated during the month of July, the hydrographical surveys could not be commenced either of the rapids till a late date in that month; and, although they have been prosecuted with commendable skill and diligence on the part of Lieutenant Warren, the field and river work, in relation thereto, could not be completed till the latter part of November; consequently the work of improvement could not be undertaken till about the beginning of the winter season, when the weather becomes too inclement to admit of successful operations.”



*" Removal of obstructions in the harbor Dubuque, Iowa.*

"The improvement of Dubuque harbor cannot be regarded as having any immediate connection with the improvement of the navigation of the Mississippi, except in the light of opening an easy communication with a very thrifty and beautiful commercial town.

"The method of improvement was devised by J. Barney, esq., United States agent, and sanctioned, as I believe, by the Topographical Bureau, and partially carried into effect under the direction of the same agent.

"Of its merits, and the propriety of its adoption, I shall merely observe that, from a hasty inspection of the harbor, its islands, &c., without any authenticated plans or drawings showing the former and present condition of the harbor, bars, and islands, by the last of which the harbor is secluded from the river, I am constrained to regard them as questionable and of doubtful efficacy.

"The work of improvement, after having been suspended several years for want of an appropriation by Congress, was resumed on the first of July last, under the direction of the same agent, and has been prosecuted with diligence during the residue of the last season. Much progress has been made towards the opening of a navigable channel from the main landing of Dubuque city across bars, shoals, and low islands of recent formation in the nearest direction to the easterly shore of the river; the new channel, however, is not rendered navigable for steamers, except in very high water.

"During the last season the work was carried on by the use of a dredge-boat (No. 1) constructed under the direction of Captain Barney, at a cost of about \$20,000, the boat and four mud-scoops being included."

In addition, I subjoin the following copy of a report from the agent, (Barney,) dated September 1, 1853.

*Improvement of the navigation of the Tennessee river, (taken from the report of Lieutenant Colonel McClelland.)*

An examination has been made of the various shoals and other obstructions from Knoxville to Kelly's ferry.

At Knoxville shoals two dams are being constructed.

At Lyon's shoals the dam constructed by the State has been repaired.

At Williams' shoals a dam has been built.

At Little river shoals an old dam has been removed, and a new one is being constructed.

At Chota shoals materials for the necessary repairs, &c., have been contracted for, and the work was to be commenced in the early part of September.

At Booth's shoals the necessary work would be commenced in September, and completed this season.

At Cancy creek shoals the materials for constructing the necessary dams were nearly ready, and should the stage of low water continue favorable long enough, they will be completed before the close of the working season. Respectfully submitted.

Your obedient servant,

J. J. ABERT, *Col. Corps Top. Eng.*

Hon. JEFFERSON DAVIS, *Secretary of War.*

LOUISVILLE, *February 3, 1854.*

**COLONEL:** I have the honor to acknowledge your letter of the 28th mo, and report that four snag boats have been employed since October in the Mississippi, from the mouth of the Missouri to that of Reder, and all the pilots I have been able to question told me that the river has never before been so free from snags.

Outfit and equipment of snag-boats cost .....	\$16,821 81
Working snag-boats till end of January .....	56,000 00
	<hr/>
	72,821 81
Balance .....	<u>17,178 19</u>

Two snag-boats were ordered to the Arkansas last summer. One of them got aground in the Ohio, and remained so until the Arkansas had fallen too much to be entered by it; the other entered the river and cleared it of snags for about thirty miles from its mouth, but in attempting to return to the Mississippi, on account of low water, got aground, where it lay thirty-one days.

Outfit and outfit of snag boats cost .....	\$7,476 38
Working snag boat, and expense aground .....	8,724 32
	<hr/>
	16,200 70
Balance .....	<u>23,799 30</u>

Two snag boats also were sent into the Missouri by Colonel Long last summer. They worked in that river from its mouth to Smith's river, about 160 miles, before being compelled by low water to leave it.

Outfit and equipment of snag-boats cost .....	\$7,476 38
Working the two snag-boats .....	8,793 15
	<hr/>
	16,269 53
Balance .....	<u>23,730 47</u>

The Illinois has been surveyed from its mouth 150 miles, and the edge-boat, built with a part of the appropriation for the Ohio, opened channel 200 feet wide and 4 feet deep to the head of Guilford bar, 15 miles.

Amount expended .....	\$6,255 40
Balance .....	<u>23,744 60</u>

The work at Dubuque is the cutting two channels from the harbor to the river. The work had been about half finished at the end of the season.

Amount expended .....	\$7,487 70
Balance .....	<u>7,512 30</u>

Minute surveys were made under Colonel Long's direction of both the Des Moines and Rock island rapids. The two agents advertised for proposals, but received no bids until after the working season.

Amount expended, including agent's pay..... \$4,700 00

Balance ..... 95,300 00

In the Ohio, the repairs of Cumberland dam (see report of C. A. Fuller, in separate enclosure) cost.....\$39,466 00

A dredge boat ..... 19,408 00

Dredging near Cumberland dam ..... 3,567 00

Part of construction of a snag-boat..... 6,941 00

Repairs ..... 1,244 00

Working snag-boat, and surveys ..... 12,088 00

82,695 00

Balance ..... 7,305 00

The appropriation for construction of snag-boats, &c., amounting to \$150,000, was all expended in the construction of four snag-boats and a dredge-boat, and in assisting the Ohio appropriation in building another. I cannot ascertain the whole cost of this snag boat; the dredge-boat cost \$19,700. In addition to this appropriation, \$31,774 57 was taken from the sums for improvement of the Mississippi, Arkansas, and Missouri, making the whole amount expended for their construction \$181,774 57.

I have the honor to be, most respectfully, your obedient servant,

J. E. JOHNSTON,

*Superintendent Western River Improvements.*

Col. J. J. ABERT,

*Chief Topographical Engineers.*

DUBUQUE, September 1, 1853.

COLONEL: I have the honor to furnish the following history of my operations for the past year, in relation to my duties as agent for the United States "for the improvement of the harbor of Dubuque, Iowa, for the upper rapids of the Mississippi, and to build a dredge-boat."

I received the appointment as agent, for the above named works, on the 22d September, 1852, and agreeably to orders from the Topographical Bureau repaired to Dubuque, made the necessary examinations, "reported the condition of things and the work to be done," and contracted for the cuts above water "in conformity with the understanding at the office of the colonel of the corps of topographical engineers."

These cuts were necessary for the enlargement and improvement of the cut on which former appropriations has been expended under the sanction of the Topographical Bureau.

I found by reference to the map of the surveys I had made in the year 1844, and a critical examination of the islands and river opposite the city, that some modifications and additions to the plan sanctioned

y the bureau would be necessary, in order to make the improvement f a nature more permanent and suitable to the rapidly increasing importance of the city.

The current of the Mississippi from some cause had, within the preceding few years, taken a more direct course across from the Wisconsin and Illinois shore, so as to impinge against the outer island with much greater velocity about 200 yards above the outlet of the harbor, and had washed away nearly one hundred feet of it both above and below the outlet.

The material from this abrasion had formed a bar about 150 yards from the outer island, visible at low water for an extent of 200 yards, and about parallel to the shore. The head of this bar was just opposite the upper side of the outlet, and made it very difficult for boats ascending the river to make an entrance to the harbor, particularly so, as the velocity of the current at this place was nearly 2.5 miles per hour.

In addition to the improvement made under the appropriation of the general government, the citizens of Dubuque had made an excavation of 100 feet in width through Bass island, immediately opposite the outlet, which excavation was then completed to within two feet of low-water mark; and the piles, which had been driven by direction of the Topographical Bureau, in a line across the slough immediately opposite, had all been removed.

From the changes which had taken place I inferred, that as the river continued to encroach upon the islands the bar might extend upwards, and make the entrance by the present outlet still more difficult. I therefore recommended that a cut through the outer island should be made from a point opposite the cut through Bass island, and extending obliquely up the river so as to meet the current of the Mississippi near the point where it impinged against the outer island. I also suggested that the lower cut through Bass island should be perfected, so that the entrance could be made by boats coming up the river through this cut, and their egress could be made by the upper cuts; and by boats going down, the entrance could be made by the upper, and egress by the lower cuts.

On the 14th October, 1852, I concluded a contract for removing the earth above water necessary for the enlargements of the entrances of the outlet and cut through Bass island, and forwarded a copy of the same to the Topographical Bureau.

The contractor was, however, not able to finish his work, owing to an unusual rise of the river and the inclemency of the weather.

After having completed my examination of the harbor, and reported hereon to the Topographical Bureau, I proceeded, according to directions, to St. Louis, and thence to Louisville, to make inquiries as to the facilities for constructing a dredge boat, and on the 3d November reported from St. Louis, that it would be better to have the boat built at Louisville.

I arrived at Louisville on the 8th, when I received instructions from the Topographical Bureau not to enter into any arrangements for a dredge-boat until further orders.

On the 29th November I received orders from the Topographical Bureau to furnish estimates of the probable cost of completing the improvements suggested by me for the harbor of Dubuque, which were forwarded on the 30th.

On the 22d December I received orders to make the necessary arrangements and have a dredge-boat constructed, and on the 25th, after having made the necessary inquiries as to probable cost of materials, labor, &c., I suggested to the Topographical Bureau, that \$20,000 be reserved of the appropriation for snag-boats, dredge-boats, for the construction of the dredge-boat.

Measures were immediately taken, and on the 7th of January, 1853, I reported that arrangements had been made with D. & J. Howard, of Jeffersonville, for the construction of the hull, framing, &c.; with W. H. Grainger, of Louisville, for the engines, castings, &c.; and with A. Van Deventer, for buckets and bucket chains: Estimating the cost at \$16,000.

I remained at Louisville superintending the construction of the dredge-boat until it was nearly completed, when in the latter part of April I repaired to Washington, when I received verbal orders from the Topographical Bureau to proceed to Dubuque with the dredge, and commence operations on the improvement of the harbor, in conformity with the plans I had suggested in my report of the 21st of October, 1852.

Having previously written for information on the subject, I was informed by telegraph on the 1st of March, that two or more screws could be constructed at Dubuque by the 1st of May. I accordingly directed that they should be built, and immediately sent drawings and specifications to govern their construction. Disappointments in obtaining suitable timber was, however, met with, of which I was not apprised in time, and the scows were not commenced when I reached Dubuque with the dredge on the 21st of May.

I immediately took measures to have the timber sawed, and materials procured, and had workmen engaged on their construction by the 24th. Every effort was made to have them completed with as much expedition as possible, but it was the 1st of July before one of them was ready for operations, and the dredging was commenced on that day, on the contemplated cut through the outer island opposite the upper cut through Bass Island.

The water of the river was then nine feet above low water mark, and it was hoped that it might be found practicable to make this cut entire by means of the dredge, as there was there sufficient depth of water on a greater part of the surface of the island to float the boat, and the river still rising. It was found, however, that the firmly rooted stumps which covered the ground in many places, presented great obstacles to the operations, and this, together with the want of scows, and the rapid subsidence of the water, made it impossible to effect the required excavations with the dredge. The work at this cut was consequently suspended when the water became so low that the dredge would not float, then and from that time to the present it has been employed in removing the obstructions which existed in the former improvement and enlarging the channels for approaching the harbor.

The estimated amount of excavation above low water in the cut through the outer island, was 29,710 cubic yards, of which there remains about 20,000 cubic yards, and I have advertised for proposals to remove it by contract during the low stage of water this fall; the proposals to be received until the 15th instant. When this earth is removed there will be no difficulty whatever in removing the remainder with a dredge boat, during the high water of next spring, and thus perfect the contemplated improvement to the harbor, by making it accessible at all stages of water to boats ascending or descending the river.

It is contemplated that the dredge-boat will be used as long as it can be advantageously employed this fall, in removing obstructions and enlarging the channels, and also in enlarging and deepening the harbor, which, in a low stage of water, is very contracted, and by a judicious management with the use of the dredge-boat, the present appropriation will be adequate. Very little can be effected without the use of the dredge, as all the improvements to be made, except the above mentioned excavation through the outer island, consists in the removal of mud from the bottom of the channels and harbor, which is at all times covered with water.

In the construction of the dredge-boat it was thought expedient so to model it as to suit the general purposes for which it was intended; that is, the improvement of the Mississippi, Ohio, Missouri and Arkansas rivers, where it was supposed it would generally be employed in removing the bars, whilst there was water enough on them to float the boat. For such use experience has convinced me it is well adapted. The arrangement of the machinery is good, and it is capable of excavating in such material as is usually found on the bottom of these rivers, 200 cubic yards an hour, when working fairly over the material to be excavated.

But experience has also proved that it is not at all adapted to work in work in narrow channels or confined harbors when it is contemplated to enlarge them, as this can only be done by working one bucket chain at a time, and that under great disadvantages, as neither the dredge, nor the scow which received the load, have room to float so as to work the buckets with full force.

It is impossible to keep the buckets in constant successive action against a bank which the boat has to approach obliquely, and the scows can very rarely receive more than half a load.

A different model should therefore be adopted for dredge-boats intended for the improvement of harbors or channels, and for the removal of bars in the rivers, I would merely suggest that the hull be increased so as to lessen the draft of water.

I find that the steel bushing in the eyes of the links of the bucket chain answer well the purpose for which they were intended, as they preserve the links entire and wear the bolts much less than they were worn before the bushings were introduced.

As the work for the improvement of the upper rapids has not yet been placed under my direction as agent, it would, I presume, be an act of supererogation to make any report on the subject, other than to state, that I have, agreeably to your instructions, aided the officer put in charge of the surveys by your orders, by my council and advice,

whenever I have been called on by him to do so, and have requested him to execute the surveys in such a manner as to enable the agent who may have the work in charge to form a correct idea of the extent and nature of the contemplated improvements.

I am, with much esteem, your obedient servant.

JOSHUA BARNEY, *U. S. Agent.*

Colonel S. H. LONG,

*Sup't W. R. Improvements, Louisville.*

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OFFICE OF THE OHIO RIVER IMPROVEMENTS,  
*Louisville, September 1, 1853.*

SIR: In compliance with the regulations of the Topographical Bureau, I have the honor to submit a report of my operations during the past year, in furtherance of the improvement of the Ohio river, including repairs of Cumberland dam, together with an estimate for the further prosecution of the work, during the next fiscal year.

My receipts and expenditures for the year commencing July 1, 1852, and ending June 30, 1853, on account of this service, are as follows, to wit:

*Receipts.*

Treasury draft No. 3,907, received March 22, 1853.....	\$500 00
Do.....No. 3,965, received April 4, 1853.....	3,000 00
Do.....No. 4,118, received April 25, 1853.....	8,000 00
Do.....No. 4,368, received June 2, 1853.....	4,800 00
Do.....No. 4,473, received June 22, 1853.....	11,000 00
Amounting to.....	27,300 00

*Expenditures.*

Amount expended third quarter, 1852.....	
Do.....fourth quarter, 1852.....	
Do.....first quarter, 1853.....	\$336 00
Do.....second quarter, 1853.....	21,471 90
Amounting to.....	21,807 90
Balance on hand June 30, 1853.....	5,492 10

Which balance has since been applied in the prosecution of the duties of my agency.

From the date of my appointment as local agent and engineer, viz.: on the 3d of February, 1853, to an early date in March, my attention was principally directed to an examination of such drawings and other documents pertaining to former surveys, &c., of the Ohio river and Cumberland dam, as were available, and which might be useful in the prosecution of my duties. On the 12th of March, authority having been

given me to construct a dredge-boat for operation, in the vicinity of Cumberland dam, and such other points on the Ohio as might be deemed expedient, I made the necessary contracts for the hull, engines, and machinery, which were duly forwarded to the Topographical Bureau, under date of 24th of March.

The boat was finished complete in all its parts and appendages, together with four discharging-scows, and left Louisville on the 14th of July, for Cumberland dam.

The amount expended on account of the construction, &c., of the dredge-boat, prior to June 30, 1853, was \$11,596 14.

Pursuant to instructions from the Topographical Bureau of the 24th of March, in which I was authorized to receive from Captain J. W. Russell, United States agent, any one of the snag-boats then constructing at New Albany, Indiana, under his directions, should it answer my purpose; I selected the light draft boat No. 5, (Terror,) and that it might be made available for operations on the upper Ohio, I caused it to be brought above the falls to Louisville. The construction, equipment, and outfit, having been completed under my directions, on the 14th of May, it left Louisville for Pittsburg, under the command of Captain J. K. Dillingham, an old and experienced snag-boat captain.

My instructions to Captain Dillingham were mainly that he should proceed as rapidly as possible to the head of the Ohio, and thence work down, removing all obstructions in the shape of logs, snags, &c., in and near the channel, and to return to Louisville in season to pass over the falls, with the usual June freshet, and to operate in the lower Ohio. Unfortunately no "June freshet" of sufficient magnitude occurred, and the boat was compelled to remain above.

The total number of snags and other obstructions removed by the Terror prior to the 30th June, 1853, is as follows, viz :

Date.	Snags removed.	Roots, &c., blasted.	Flat-boats raised.	Snags, &c., removed.	Impending trees felled.
May 5 to June 30.	93	15	9	7	10

The amount expended by me on account of the construction, equipment, outfit, &c., of the boat prior to June 30, 1853, was \$8,797 71.

For reasons submitted to the bureau, and duly approved, I decided to make the repairs and enlargement of Cumberland dam by contract rather than by hired labor. Accordingly, having advertised for proposals for the delivery of the amount of stone required, and having received many propositions from different contractors, that of Mr. Robert Swan was deemed most acceptable. Mr. Swan having made the lowest proposal, and being well known as a former contractor on the river, and as a man of energy, honesty and ability, I felt no hesitation in recommending him for the contract. My course having been approved, a contract was entered into with him for the delivery into the dam of about thirty thousand tons of stone, which amount is



was then supposed would be sufficient to make the required repairs. A copy of the contract was transmitted, under date of June 7, 1853.

Prior to June 30, but 1,686 tons of stone had been deposited, and no payments had been made by me on account of said contract.

Of the work done at Cumberland dam and on the Ohio river from the 1st day of July to the present date, I will treat briefly, as follows:

At Cumberland dam, to the date of the last report received from the supervisor of that work, (20th instant,) there had been 15,973 tons of stone deposited, which, together with that deposited prior to July 1, (viz., 1,686 tons,) gives a total of 17,659 tons. Having been, by reason of my other duties, unavoidably prevented from visiting this locality since the 26th July last, I cannot report from personal observations the effects, either beneficial or otherwise, of the repairs, so far as they have progressed.

At the date of my last visit I found the depth of water in the Kentucky chute of Cumberland island considerably increased—so much so that no boat attempted to pass through or over the dam, but all availed themselves of the Smithland channel. At that time no stone had been placed in the V, or gap. Since that date, the dredge boat has been operating at and near the head of the Kentucky chute, in straightening the entrance, and widening and deepening the channel over the bar.

The bar at the foot of Cumberland island probably now requires the services of the dredge boat; and I have already sent instructions to the commandant of the Gopher to examine that locality, and to operate there if found necessary and expedient.

The snag boat No. 5, Terror, from the 1st to the 22d of July, worked to great advantage between Cincinnati and Louisville. On her arrival here at the date last mentioned, finding the water too low either to operate above Cincinnati or to pass the falls, and having removed all the obstructions that could be found near the channel between Cincinnati and Louisville, I caused her to be laid up for repairs and some necessary alterations.

The working crew were paid off and the boat put in ordinary, with only the necessary officers and laborers required for the time, and at reduced wages.

The total number of obstructions removed since July 1 are as follows:

Dates.	Snags removed.	Roots, &c., blasted.	Flat-boats raised.	Logs, &c., removed.	Impending trees felled.
July 1 to July 22 .....	47	13	14	.....	.....
Prior to July 1 .....	93	15	9	7	10
Total since May 5, '53.	140	28	23	7	10

On the 2d ultimo, by instructions from headquarters of western river improvements, I was directed to make arrangements for a careful survey of Marietta harbor, to examine the dam at Belleville island, and to inspect all the wing-dams on the upper Ohio, &c.

In compliance with these instructions, I left Louisville on the 10th of August, and have performed the duties required.

The survey at and near Marietta has been made by my assistant, George F. Fuller, civil engineer, under my directions. This survey was required in consequence of a memorial having been received from sundry citizens of Marietta, urgently calling for an improvement at that locality. I am not yet prepared to report fully on this subject, but, from my personal observations on my recent visit, my views in reference thereto, as set forth in my communication of the 17th June, 1853, remain unchanged, and to which I take leave to refer for further information on this subject.

The drawings and report of this survey will be prepared and transmitted to headquarters W. R. improvements, at an early date.

The examination at Belleville Island was made particularly in reference to a request from C. D. Burr, M. D., to the Secretary of the Interior, that permission might be granted to use a portion of the rock for a wharf at Belleville.

The petitioner evidently misapprehends the object for which this dam was built. He says, "that the dam in question is not of the least utility, as it is built at such a place that, when the water is required in the channel, it is perfectly dry around the dam." The dam in question is intended to turn the water at a stage somewhat elevated above extreme low water, and also to back the river over Belleville shoals, a short distance above.

Both of these objects are effected by the dam, and with very beneficial results. Belleville shoals have been a great obstruction to navigation in that part of the river; and, from the peculiar form and position of the bars, can be more easily, economically, and successfully improved, by means of the dam referred to, than by any other plan of improvement. I would therefore recommend that this dam be repaired, and elevated at least one foot above its present level.

Belleville is located nearly equidistant between the dam and the quarries from whence the rock was obtained for the construction of the dam, and doubtless sufficient stone, for the purposes desired by Dr. Bauer, could be obtained at these quarries.

Having inspected the various dams on the Ohio, between Pittsburgh and Cincinnati, I am gratified in being warranted in reporting that, in almost every instance, they have proved decidedly beneficial to the low water navigation.

Many of them, however, were not completed on the suspension of the work of improvement in 1844, and nearly all of them require both repairs and enlargement. Most of the breaches found in them have evidently been made by individuals, either for their own private advantage or with malicious intent. A remarkable resemblance was observed, in several instances, between the rocks at certain landings, in saw mill ways, &c., &c., to those remaining in the neighboring dams.

The location of the dams inspected, their present condition, the repairs required, &c., are briefly enumerated as follows, commencing with the first dam below Pittsburgh, and proceeding in regular order down the Ohio.

*Deer Island dam*, extending across the left hand chute of Deer Island, is in good condition, but will require about 3,000 tons of stone to complete it.

*Dam from foot of Neville's Island to tow-head*, a breach has been made in this dam, evidently for the passage of skiffs and other small boats. About 400 tons of stone will fill the gap and repair the dam.

*White's Ripple and Trap*.—The long dam extending downwards from the foot of tow-head should be raised about 18 inches; the cross dam from Middletown requires elevating about one foot; and the opening left for the ferry way should be diminished in length.

*Loogstown Bar*.—The dam at this locality has been but partially constructed. For a distance of 587 feet from shore the dam requires no alteration; thence about 500 feet, a dam six feet in height will be necessary; thence about 600 feet, the present dam should be elevated about one foot.

*Black's Island*.—Dam should be elevated about one foot.

*Black's Island*.—No repairs necessary.

*Brown's Island*.—A portion of the crest of the dam at the head of the island, for about half its length, has been washed off. The wing dam, on the Virginia side, has two small gaps requiring about 50 tons to fill them; and about 500 feet of the dam, from the shore downwards, should be raised two feet; 8,000 to 10,000 tons of stone would make the necessary repairs.

*Mingo Island*.—Dam requires about 3,000 tons of stone to raise it for a distance of 700 feet in length.

*Brack Bottom Dam*.—No repairs required.

*Twin Islands*.—A breach in this dam 400 feet in length; 6,000 to 7,000 tons of stone required.

*Captina Island*.—Middle portion of the dam requires elevating; about 1,000 tons necessary.

*Fish Creek Island*.—The dam, for about 600 feet in length, should be raised; 3,000 tons would be sufficient.

*Fishing Creek*.—About 400 feet of the dam to be elevated one foot, and the dam extended downwards from 300 to 400 feet further, as the water is shoal along the line of dam; but 3,000 tons of stone would be required.

*Williamson's Island*.—Lower end of the dam should be raised, and a small gap near the foot filled; 1,500 tons sufficient.

*Whitton's Towhead*.—The dam at this locality had only been commenced, and but little progress made towards its construction at the date of the suspension in 1844.

To make the improvements here, nearly an entire new dam will be necessary.

*Well's Island*.—The upper portion of the dam, for about 400 feet, is perfect. There are two small breaches to be filled, and two spaces of 400 and 300 feet to be elevated two feet; 4,000 tons sufficient.

*Mill Creek Island Dam*.—No repairs required.

*Grand View Island.*—Lower end of dam should be raised, and the dam extended 200 feet towards head of island.

*Petticoat Bar.*—The right-hand dam is about two feet lower than the left, and might be raised, at least one foot, to advantage. About 100 feet of the left-hand dam requires raising.

*Three Brothers.*—Dam not completed; as far as built is in good order; should be extended downward to head of dry bar, at Second Brother.

*Vienna Island.*—Dam in good order, with the exception of a space about 400 feet long, which requires to be raised about one foot.

*Blennerhassett's Island.*—Dam, at the head, for about 300 feet, commencing at Virginia shore, is in good condition; thence, for 75 feet, it should be raised one foot; the balance, about 700 feet, should be raised two feet. The dam, at the foot of the island, requires about 500 tons of stone to repair it.

*Newberry Bar.*—This dam requires elevating, between two and three feet, nearly its whole length.

*Buffington Island.*—No less than six gaps have been made in this dam, viz: one of 30 feet, one of 40, two of 60, one of 50, and one of 130 feet. Judging from their appearance, they have been intentionally made. These gaps all require filling, and the lower end of the dam, or a distance of 600 feet, should be raised. This dam was never completed. The improvements, at this locality, require the completion of the old dam, and the construction of one across the Ohio chute of the island, as originally designed.

*Letart's Islands.*—The whole dam requires raising, from one to two feet. Many of the stones appear to have been intentionally removed.

*Raccoon Island.*—400 feet of dam, from shore line, in perfect order; thence, for a distance of 150 feet, the dam should be raised from one to two feet; and thence about 600 feet, at least, three feet. Pilfering from the dam appears to have been practised extensively at this locality.

*Brush Creek Island dam.*—The entire length requires elevating about three feet.

There are several localities where no dams have, as yet, been constructed, but which present serious obstructions to the low-water navigation. The most prominent of these are Beaver shoals, Raccoon bar, and Warsaw bar. A dam at the head of Raccoon bar, which is immediately below Beaver shoals, would, doubtless, not only improve the channel at the bar, but would, at the same time, back the water over the foot of the shoals.

Having never examined Warsaw bar at low water, I am not prepared to suggest any plan of improvement at that locality. It is the most serious obstruction between Cincinnati and Louisville, and some improvement should, doubtless, be made thereat. A dredge-boat could be advantageously worked at Beaver shoals and Warsaw bar, as well as at many other places on the Ohio.

The dams on the lower Ohio, with the exception of that at Cumberland island, are in a very dilapidated condition; and the expediency of attempting any repairs of them is, to say the least, very question-

able. The character of these bars is very different from that of those in the upper Ohio, nearly all of them being composed of light shifting sand.

The navigation at these points may be improved, temporarily, by dredging at a stage of water somewhat above the lowest; and the channels thus formed will remain open, at least, until the occurrence of the next freshet. This system will require the constant use of one or more dredge-boats, to operate during the summer months, throughout the lower part of the river.

The unexpended balance of appropriation for the Ohio river, including Cumberland dam, at this date, viz: \$42,436 11, will be insufficient to complete the repairs and enlargement of the dam, and, at the same time, cover the expenses of snagging, dredging, and other contingencies incident to the improvement of the river.

In submitting an estimate for funds for the ensuing fiscal year, therefore, no unexpended balance is supposed to remain on hand at the close of the current fiscal year, viz: on the 30th June, 1854.

The surveys and estimates for the repairs of Cumberland dam were made in 1848. During the period of nearly five years, that has elapsed since that date, many changes have taken place at that locality. A portion of the extreme lower end of the dam, as it then existed, has been washed away; and throughout the length of the dam, generally, the stone has been displaced to some extent. The original estimate, consequently, falls short of the amount required at the time of commencing the present work, rendering a further appropriation necessary to complete the improvement.

It now remains that I submit an estimate for funds required in the prosecution of the duties assigned me, for the ensuing fiscal year, commencing July 1, 1854, and ending June 30, 1855, which is as follows, to wit:

#### ESTIMATE

For continuing the improvement of the Ohio river, including Cumberland dam, \$90,000.

Respectfully submitted.

CHAS. A. FULLER,

*U. S. Agent and Engineer O. R. Improvement, &c., &c.*

Lieut. Col. S. H. LONG,

*Supt. W. R. Improvements, Louisville, Kentucky.*

REPORT  
OF  
THE SECRETARY OF WAR,

COMMUNICATING

*Lieutenant Williamson's report of his surveys to ascertain a practicable route  
for a railroad to the Pacific ocean.*

MARCH 20, 1854.—Referred to the Select Committee on the subject.

APRIL 3, 1854.—Ordered to be printed.

WAR DEPARTMENT,  
*Washington, March 17, 1854.*

SIR: In compliance with a resolution of the Senate of the 14th instant, I have the honor to transmit herewith a copy of Lieutenant Williamson's report of his surveys to ascertain a practicable route for a railway to the Pacific ocean, dated January 12, 1854.

Very respectfully your obedient servant,

JEFFERSON DAVIS, *Secretary of War.*

Hon. D. R. ATCHISON,  
*President of the Senate.*

SAN FRANCISCO, CALIFORNIA,  
*January 12, 1854.*

SIR: In obedience to instructions from the War Department, dated May 6, 1853, (a copy of which is herewith transmitted,) I left New York on the 20th of the same month for California, and having arrived at Benicia I organized a party, and commenced at once operations in the field. At the end of a little more than five months from the time of leaving Benicia, I arrived at San Diego, having completed the examinations required. I there discharged my party, and proceeded with my office corps to this place, arriving here on the 26th of last month.

I have here established an office, and am busily engaged in making the necessary computations, and compiling the maps and sketches, which will form the basis of a full report, showing the results of the expedition. My instructions, however, require that I should present a skeleton report to be laid before Congress on or before the first Monday of February next. As I have had as yet time to make only rough estimates of the altitudes of the passes examined, and none of the maps are in a sufficiently advanced state to accompany a report at this time, I fear that this report will be necessarily meagre and unsatisfactory; but as my instructions do not permit me to delay beyond the specified time, I have prepared the following sketch of my field operations,

which I respectfully submit for your information; in two months from now I hope my full report, with maps and profiles, will be completed.

Upon leaving Benicia (as an examination of the passes in the coast range was not contemplated in my instructions) I proceeded directly to the head of the Tulare valley, stopping only to examine Livermore's pass, through which we entered the valley of the San Joaquin. This pass we found practicable for a railroad, though it is not improbable that other passes in the coast range may be found preferable. Upon arriving at O-co-ya creek, a small stream seven miles north of Kern river, we made a depôt camp, from which our wagon train returned to Fort Miller for a further supply of provisions, while I, with a small party, proceeded to make a preliminary examination of the various passes in the vicinity. It was generally admitted that there was no possibility of finding a practicable pass north of Walker's; my plan, therefore, was to examine that pass, and then starting from its summit, to follow as closely as possible the crest or "divide" of the Sierra Nevada to the southward, by which means I should necessarily learn the position and altitudes of all the depressions in the range. The examination of the approaches to these depressions would then complete the reconnaissance. This plan was successfully carried out, and seven different passes thoroughly examined. In order to obtain positive information as to the value of my barometric results, I ran two lines of levels from base to base of the Sierra: One through the Tejon pass, and one through the pass known as the "Cañada de las Uvas," which is just at the junction of the Sierra with the coast range, the water from one portion of it flowing into the Tulare valley, from a second portion into the Pacific, and from a third into the basin to the eastward of the coast range.

Of the passes that were examined I consider Walker's pass the most difficult. For a descent of seven miles, west of the summit, there is an average descent of 342 feet to the mile, while for nine miles east of the summit the average descent is 240 feet to the mile. Walker's pass is near the source of a tributary of Kern river, and it is in passing from the plain to the waters of this tributary, that we find the inclinations above mentioned; but, supposing it possible to reach Kern river, the road would have to follow down the river where there are precipitous rocky cañons and the cost of construction would be immense.

This pass is over 5,100 feet above the level of the sea. Upon proceeding to the southward we found, upon the very summit of the Sierra, a large mountain prairie, discharging its waters, eastward into the basin, and westward into the Tulare valley. The ascent to this prairie is through a broad gully, and at the rate of 63 feet to the mile. This we found to be the point at which the summit of the Sierra could be reached with most ease from the east. The descent to the Tulare valley was much more difficult, for we found the creek flowing from the prairie towards the valley, descended for fifteen miles at the rate of 166 feet to the mile; the road, however, can be carried along through a series of mountain prairies, near the summit, to a point where, with stationary power and an inclined plane, the descent can be suddenly made into the Tejon. (This is the name given to the extreme head of the Tulare valley.) Into the Tejon lead also the two passes called the

"Tejon pass," and the "Cañada de las Uvas." The former of these has an ascent on the one side of 258 feet to the mile, for over 10 miles, and a descent on the other of 214 feet per mile, for six miles, notwithstanding 700 feet of the summit is supposed to be cut off by a tunnel. This, next to Walker's pass, is the most difficult of the passes examined. The "Cañada de las Uvas" would require stationary power for four miles; for the remainder of the distance (about 20 miles) I think a road might be constructed, though the grade would be heavy. From the examination of the profiles of the passes in the Sierra, I think it will be exceedingly difficult to select one through which a railroad can be constructed without having recourse to inclined planes with stationary power.

Having finished the examination of these passes, I crossed the mountains with my wagon train through the Cañada de las Rivas, and followed along the eastern base of the coast range, examining various passes. One pass, of the existence of which we had never heard, we found to be far preferable to any other, requiring in no part of it a grade greater than 100 feet. It is at the head of the southeasternmost branch of the Santa Clara river, and having arrived upon this stream, a road can follow it down without difficulty to the Pacific. Having arrived opposite the Cajon I proceeded across the desert plains to the Mohave river; here I made a dépôt camp, and organized three parties for field service. One, under Lieutenant J. G. Parke, topographical engineers, I sent to examine the mountains towards the sources of this river, to ascertain if there were any possibility of advancing in a direct course towards the mouth of the Gila. One, under Mr. J. W. Smith, civil engineer, to examine the new pass in the coast range and the approaches to Los Angeles, whilst with the third I proceeded down the river to make a general reconnaissance in that direction. The result of these several expeditions was, that it was impracticable to cross the mountains south of us, unless by first crossing the coast range and turning Mount San Bernardino, a high peak, from which a long unbroken spur runs eastward far towards the Colorado.

I therefore determined to send Lieutenant Parke with the wagon train over to the San Bernardino valley, from which point he should search for a good pass leading to the eastward of the mountains, south of the San Bernardino peak, while I, accompanied by the escort, would endeavor to follow down the Mohave to its supposed junction with the Colorado, and thence down that river to the mouth of the Gila. For about fifty miles from our depot camp we followed along the wagon road known as the old Spanish trail, leading to the great Salt Lake. Here the road left the river, bearing off more northwardly, while it continued its course about northwest, [east?] and passed through a cañon in a range of hills. We followed in the bed of the stream through this cañon, and emerged into an open sandy plain, where all sign of the river was lost. Crossing this plain, (about twenty-five miles in length,) we found a large lake bed, covered with an incrustation of salt, and evidently the lowest portion of the plain. Here the waters of the Mohave must accumulate during the rainy season. This lake was connected by a little gully with another lake perfectly dry, and with a hard clay bottom. This second lake, except where it re-



ceived the gully from the first, was completely shut in by hills, and, after a careful examination, we determined that it had no outlet unless a subterranean one. We crossed the low spur north of this lake, and, descending two or three miles, found ourselves in another plain, 150 feet lower than the bed of this lake. In this plain we found again the wagon road at a point about fifty miles distant from where it left the river. High mountains intervened between us and the Colorado, upon which we ascended, and found still other ranges beyond. The whole country, except on the Mohave, was destitute of wood, water, and grass. Failing to find a pass through these mountains in the direction of the Gila, and being fearful of losing our animals for want of water and grass, we determined to return up the river and rejoin Lieutenant Parke and the wagon train, and therefore proceeded to Warner's pass, where we found Lieutenant Parke had arrived two days before. He had passed through the "Cajon pass" into the San Bernardino valley, and from thence had recrossed the coast range through the pass of San Gregorio, lying at the southern base of the San Bernardino peak, and between that and the high peak of the San Gregorio. This he found to be an excellent pass, the greatest grade being but eighty-six feet to the mile, and that but for a short distance. Having arrived to the eastward of the mountains, found friendly Indians living there; ground depressed from 300 to 400 feet below the level of the sea. A distinct water-line was observed on the hill-sides, and well-preserved specimens of corals obtained. Water was found abundantly a few feet below the surface. The geological report of this district will present many points of extreme interest. Leaving the land of these Indians, Lieutenant Parke continued his march to the southward, till he struck the wagon road leading from Fort Yuma to San Diego, and taking this road, crossed the mountains at Warner's pass, where I rejoined him.

Warner's pass is the one spoken of by the citizens of San Diego as the best approach to that city. Another pass, however, near the boundary line, known as Jacum, was also mentioned as probably practicable. From Warner's to San Diego, the wagon road passes over some high spurs of the coast range, and to avoid these it would be necessary to follow down the creek rising near the pass, until arriving near the coast. As Lieutenant Parke had obtained the data for a profile of Warner's pass before my arrival, I sent him with a party to follow down this creek to the coast, and thence to San Diego, after which he was to examine the Jacum pass. In the mean time I was to complete the surveys entrusted to my charge, by connecting the line with the mouth of the Gila.

Lieutenant Parke followed down the stream, and found it entered the ocean near the mission of San Luis Rey. He found the descent not too great for a railroad, but the stream passing through rocky cañons, it would require much labor to construct a road there. Upon examining a rough profile of Warner's pass, I find the approach to the pass from the east very difficult, and that a long tunnel would be necessary to pass the summit, the grade there reaching as high as 340 feet. Jacum pass is reported by Lieutenant Parke to be decidedly impracticable. In my passage over the so-called desert between War-

er's and the mouth of the Gila, we found most of the country to be slightly below the level of the sea. The road bends to the southward to follow the low ground, where water is found in a slough formed by the overflow of the Colorado, or in wells. I find no impediment to the construction of a road across this plain.

The sand hills near the Colorado can certainly be avoided by bending to the south, and probably they can be passed to the northward. There will be no difficulty in bridging the Colorado at the mouth of the Gila, though below the banks are low and subject to overflow; very little is known of the river above.

I have now given you a few remarks upon each of the principal passes which I have examined, which I hope will be sufficient to explain their general character, and will answer the desired purpose till a minute description with profiles and maps can be prepared. It may be proper for me here to give, in a few words, the inference to be drawn from these examinations.

The most direct route from the mouth of the Gila to the Pacific, and the one that presents the least difficulties, is through the San Gregorio pass to the San Bernardino valley, and thence nearly on level ground to San Pedro, should San Diego be selected as the terminus. I think still the San Gregorio pass would have to be selected from whence the road, having approached the coast, could pass near it to San Diego. If it be desired to reach San Francisco, the road having crossed the San Gregorio pass and traversed the San Bernardino and Los Angeles valleys, would recross the coast range through the new pass described above, from which point it would reach any one of the passes in the Sierra Nevada that might be selected. Having crossed this range, with the assistance of stationary power, the road is then in the nearly level valley of the Tulares, from which it can reach the navigable waters of San Francisco bay, without crossing an intervening elevation, or if it must be brought to the city itself, it must cross the coast range at Pacheco's, or whatever other pass may be found preferable. Should the difficulties of crossing the Sierra Nevada be considered too great, a road from Los Angeles near the coast might be found. An instrumental examination of the coast range between Los Angeles and Monterey is required before any road can be located to the city of San Francisco.

The greatest assistance has been rendered to me during this expedition by Lieutenant Parke, and the civil employees attached to the party. Lieutenant Stoneman, commanding the escort, afforded me also much assistance. Dr. Heermann, who was physician and naturalist to the expedition, has made a large collection of birds, reptiles and fish. I enclose herewith a letter from him, explaining why his report is not prepared at present.

Mr. Blake, the geologist of the party, is now preparing his report, which will doubtless contain much interesting information.

I have the honor to be, very respectfully, your obedient servant,

R. S. WILLIAMSON,

*Lieut. U. S. Top. Engineers.*

To Col. J. J. ABERT,

*Chief of Bureau Top. Engineers, Washington, D. C.*

SAN FRANCISCO, *January 14, 1854.*

SIR: According to the instructions received from you on my appointment at Washington, I have collected one hundred or more species of birds, many of which are peculiar to the western Pacific slope of California, a varied collection of reptilia from the different localities over which we have passed during our late survey, and a number of fishes found in the streams we have traversed and also those abounding in the bay of San Francisco. I have obtained only about one hundred species of plants, as the season of the year at which we were in the field was very unfavorable towards forming a large botanical collection. As the standard works in natural history for the comparison of species are not to be had here, I am unable at present to decide whether many of the specimens in the several collections are not of new genera or species. It is therefore out of my power to give you my full report at present, but will do so at as early a date as possible.

Respectfully yours,

A. L. HEERMANN, M. D.

To Lieut. R. S. WILLIAMSON,  
*United States Topographical Engineers.*





MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*compliance with a resolution of the Senate, the correspondence between the United States consul at Smyrna and the American legation at Constantinople, and between said consul and this government, in relation to Martin Koszta.*

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APRIL 6, 1854.—Ordered to lie on the table and be printed.

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*the Senate of the United States:*

I transmit to the Senate a report of the Secretary of State, with accompanying documents, in compliance with their resolution of the 14th ultimo.

FRANKLIN PIERCE.

WASHINGTON, April 5, 1854.

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DEPARTMENT OF STATE,

Washington, April 5, 1854.

The Secretary of State, to whom has been referred the resolution of the Senate of the 14th ultimo, requesting the President "to communicate to the Senate, if not in his judgment incompatible with the public interest, copies of the correspondence between the American consul at Smyrna and the American legation at Constantinople; and also between said consul and this government, on the subject of the seizure of Martin Koszta by the Austrian authorities," has the honor to lay before the President a copy of the documents called for by the resolution, which have not before been communicated, and specified in the accompanying list.

Respectfully submitted,

W. L. MARCY.

To the PRESIDENT of the United States.

*List of documents accompanying the report of the Secretary of State of the  
5th of April, 1854.*

Mr. Offley to Mr. Marcy, July 5, 1853.  
Same to same, (enclosure,) July 16, 1853.  
Same to same, (extract,) No. 42, August 5, 1853.  
Mr. Mann to Mr. Offley, August 6, 1853.  
Mr. Marcy to same, August 13, 1853.  
Same to same, August 31, 1853.  
Mr. Offley to Mr. Marcy, No. 40, (enclosures,) September 17, 1853.  
Same to same, No. 46, (enclosure,) September 27, 1853.  
Same to same, No. 47, (enclosure,) October 7, 1853.  
Same to same, No. 48, (enclosures,) October 7, 1853.  
Same to same, No. 49, (enclosure,) October 7, 1853.  
Same to same, No. 50, (enclosure,) October 17, 1853.

NOTE.—For other correspondence respecting the seizure of Martin Koszta by the Austrian authorities at Smyrna, see Ex. Doc. No. 40, (Senate,) 33d Congress, 1st session.

*Mr. Offley to Mr. Marcy.*

UNITED STATES CONSULATE,  
Smyrna, July 5, 1853.

SIR: I have the honor of laying before you the following occurrence, which has lately taken place in this city.

Late in the evening of the 22d of June last, I was informed that an Hungarian refugee, with an American passport, had been forcibly arrested by a band of armed hirelings, who had been employed for this purpose by the Austrian consul of Smyrna, and they took him on board of "Huszar," an Austrian brig-of-war, lying in this port.

I immediately applied to the governor of this city, informing him of the occurrence, stating that if the refugee who had been arrested was really the holder of an American passport, I claimed him from the Turkish authorities. Some hours after, at about midnight, a person called on me, and handed me a document which he stated he had taken from the trunk of the person that had been arrested. This document is a copy of a declaration made in the court of common pleas of the city and county of New York, on the 31st day of July, 1852, by Martin Koszta, an Austrian subject, wherein he declares on oath that it is his intention to become a citizen of the United States. Martin Koszta is one of the Hungarian refugees who were kept in "Kutiah," in Kossuth.

In February last, he arrived here from Boston, and shortly after his arrival, called at this consulate to show me the declaration aforementioned, stating that he intended to remain here for one or two months, and I wished to know if I could, in virtue of said declaration, give him the protection of this consulate, as a "citizen of the United States," during his stay here. I told him that as he had not fulfilled the requirements of the law of naturalization, I could not consider him as an American citizen, but that I would grant him my unofficial influence in case he might have any difficulties with the authorities, and advised him to leave this country as soon as possible, as it would be imprudent for him to stay here without the protection of some consulate.

On the 23d, the morning after his arrest, the United States corvette, "St. Louis," came in sight, and on her arrival, I went on board and related the circumstances of the case to Commander D. N. Ingraham, who had already been informed of the arrest by a deputation of refugees, who had gone on board for that purpose, and who had told him that Koszta was a citizen of the United States, and that they intended the protection of the American flag in his behalf. Under these circumstances, we considered ourselves bound to go on board the brig and see Koszta, and ask him on what grounds his friends claimed for him an American protection. On our arrival, we asked the officer of the brig if the captain were on board, who replied that he had gone ashore to see the consul. We then informed the officer that we had come to see the man who had been seized the day previous, and who was confined on board the brig, he replied that no such person was there. We then went to the Austrian consul and requested him to allow us to interrogate Koszta in regard to his nationality, who answered that as he had given him up to the commander of the brig, he could



not interfere in the matter, and that we ought to see the commander of the brig, where Koszta had been sent after his arrest. We then told him that we had just come from on board of the brig, and that the officer of the watch had told us that the commander was at the consulate, and that no such person had been sent on board of their vessel. This contradictory statement led us to think that an understanding had taken place between the consul and commander of the brig, in order that we might not be allowed to see Koszta. However, we firmly insisted on seeing him, and after many objections, the Austrian consul agreed to send for the commander of the brig, and asked him if he were willing to allow us to go on board and see Koszta, to which the commander acceded, and we went on board with him and the consul. We found Koszta in chains, guarded by two men, and he appeared confused by the ill treatment of the previous day. We interrogated him on what grounds his friends claimed for him American protection, and if he had an American passport; he replied that he had not any, and that he had nothing but the declaration already mentioned, which he had shown me on his arrival in this city, upon which I left the brig with Commander Ingraham, without our having expressed any opinion on the matter.

On the 24th, I addressed a letter to the United States legation at Constantinople, reporting the illegal act committed by the Austrian consul, in order that it might take such steps as it should deem proper, for the release of said Koszta.

On the evening of the 28th, a letter was sent on board the "St. Louis," informing Commander Ingraham, that Koszta was to be sent next morning, at daylight, on board the Austrian steamer, that was to leave that day for Trieste, begging his interference in order that this might be hindered. On receipt of this letter, Commander Ingraham addressed a note to the commander of the brig, acquainting him of the foregoing, and that as he expected to hear from the United States minister at Constantinople in regard to Koszta's case, he earnestly protested against Koszta being sent away from this port before then. The commander of the brig informed Commander Ingraham in reply, that he was altogether dependant on the Austrian consul respecting Koszta. On the 29th, at daybreak, the St. Louis got under way, and anchored ahead of the Austrian brig. On the same day, I received a letter from the legation, under date 27th June, in answer to mine of the 24th, requesting me to continue my officious aid and intercession in behalf of M. Koszta, informing me that the legation had applied to the Austrian minister for his immediate release. On receipt of this letter, I went on board the St. Louis, and communicated its contents to Commander Ingraham. During my interview with him as to the means to be adopted in behalf of Koszta, one of the officers of the corvette entered the cabin and told the commander that the Austrians were loading their guns. Commander Ingraham then gave orders to load the guns of the St. Louis. Commander Ingraham and I decided that I should go to the Austrian consul and endeavor to effect the release of Koszta, or that he should at least be kept here until we should hear further from the legation of the result of its letter to the Austrian minister. I, therefore, called on the Austrian consul, and my efforts for

release having proved unavailing, I then requested that he should be kept here until further instructions from Constantinople. He at last told me that he could not comply to my wishes, having received orders to send Koszta by the steamer that was to leave on that day for Trieste. Under these circumstances, I suggested the propriety of his keeping Koszta here at least for eight days, but he refused to grant my desire, and it was only after much opposition on his part, that I was enabled to obtain a promise that he should not be sent away before Saturday, the 2d instant.

The steamer that came in, on the 2d instant, from Constantinople, brought me a letter from the legation, under date of the 30th ultimo, which was handed me by one of its officers who was sent here by the legation for that purpose, wherein Mr. J. P. Brown, chargé d'affaires, intimates that Koszta might be released on the grounds that he had renounced all allegiance to Austria, and taken an oath of allegiance to the United States, and that Commander Ingraham and I should have another interview with Koszta, "and on any remark from him, calling for our protection, take him." On receipt of this letter I immediately went on board of the St. Louis to inform Commander Ingraham of its contents, and to deliver a letter that Mr. Brown had enclosed to the commander's address, under date 28th ultimo, requesting him to allow me to peruse it, wherein Mr. Brown says: "If I thought you would be governed by my instructions, they would be to demand him (Koszta) in the most formal and positive language of the Austrian commander in my name, as representative of the United States," and adds, "in case of a refusal to deliver him, founded on the pleas that he had renounced his allegiance to Austria, and that, having taken the oath of allegiance to the United States, he has a claim upon our protection, *I would take him out of the vessel.*" After a short consultation with Commander Ingraham, we agreed that he should go on board, and see if Koszta called for American protection. On his return he informed me that when on board the brig he had demanded Koszta's release, and had given the Austrian commander three hour's delay for effecting it—(till 11 o'clock, a. m.)

As I considered this delay not sufficient to take the necessary steps under the circumstances, I suggested to Commander Ingraham the propriety of extending it till 4 p. m., trusting that I might be enabled to come to some satisfactory understanding with the Austrian consul, so as to avoid the effusion of blood, and all the other consequences that might have ensued from an attempt to obtain Koszta's release by force. Commander Ingraham consented to my suggestions, and wrote a letter to the commander of the Austrian brig, demanding Koszta's release by 4 o'clock, p. m. I took a copy of Commander Ingraham's letter and went to the Austrian consul, with whom I used all my efforts, so that Commander Ingraham's demand should be complied with; but, after a very long debate, the Austrian consul positively refused to release Koszta. I then explained to him fully the consequences that would undoubtedly result from his refusal, upon which he proposed that Koszta should be kept here on board of the brig "for a week, a month, or even a year," until the question should be settled by the United States legation and the Austrian embassy at Constantinople. I took advantage of

this opening to enter into negotiations, and after many difficulties I succeeded in making a convention with the Austrian consul, subject to Commander Ingraham's approval, whereby it is stipulated that Koszta is to be delivered to the French consul of this place, who is not to give him up until a collective demand is made by us to that effect.

Commander Ingraham having approved of the conditions therein stipulated, Martin Koszta was landed on the afternoon of the same day.

The excitement caused in town, amongst the European population and the natives, was very great. He was landed amidst the acclamations of an immense concourse of people, who went to see the man who had been rescued from Austrian barbarity, and cheers of "Vive l'Independence des Etats Unis d'Amerique, and her gallant commander, who had saved the intended victim from the blood-thirsty Austrians," was long repeated by all present.

The governor of this place, "Ali Pacha," sent his dragoman to express the satisfaction he had felt on Koszta's release.

No measures of interference were taken by the local authorities in this matter, and the other authorities felt highly pleased at the happy result.

The firmness with which Commander Ingraham acted under the circumstances, has greatly elevated the character of our country and its navy, especially as the Austrian force here was greatly superior to ours, as, besides the Austrian brig, there was a schooner of war, and three Lloyd steamers, two of which were mounted with four guns each, and the third with eight, that had been sent on board from the brig the same morning.

I have the honor to enclose copies of the documents referring to this matter, and to transmit a dispatch, to the address of your excellency, with its enclosures, sent me by the United States legation at Constantinople, which Mr. Brown authorized me to peruse and forward by first mail.

With great respect and consideration, I remain, sir, your most obedient servant,

E. S. OFFLEY.

Hon. WILLIAM L. MARCY,  
*Secretary of State, Washington.*

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*List of the documents enclosed.*

No. 1. Martin Koszta's declaration to become a citizen of the United States.

No. 2. Commander Ingraham's letter, 28th June, to the commander of the Austrian brig.

No. 3. Mr. Brown's letter to Commander Ingraham, 28th June.

No. 4. Commander Ingraham's letter to the commander of the Austrian brig, 2d July.

No. 5. Answer of the commander of the Austrian brig to the latter.

No. 6. Convention between the Austrian and the United States consuls.

*Mr. Offley to Mr. Marcy.*

UNITED STATES CONSULATE,  
*Smyrna, July 16, 1853.*

SIR: I have the honor to enclose herewith a duplicate of my dispatch under date of the 5th, present month, and of the documents therein mentioned relative to Martin Koszta, an Hungarian refugee, who had been illegally arrested, by the orders of the Austrian consul of this place, and sent on board of a brig-of-war of that nation, to be conducted to Trieste, as well as of his having been given up to the French consul, in virtue of a convention passed between the Austrian consul and myself until the matter of Koszta's nationality and rights should be settled by the United legation and the Austrian embassy at Constantinople.

Koszta continues to be detained in the French military hospital of this place, where every attention is paid to him.

I will take the liberty of quoting a paragraph of a letter of Mr. J. P. Brown, our late chargé d'affaires at Constantinople, which he addressed me under date 16th instant: "The Porte is much gratified with our success in the matter. It blames the Austrians, and says that it could not support itself at the present moment as it ought, and could have done at another time. The whole affair has done our national character much credit, and I am much gratified with the manner in which you took up and sustained the position I saw proper to assume."

Trusting, sir, that you will approve of my conduct, under the circumstances, I have the honor to be, sir, very respectfully, your obedient servant,

E. S. OFFLEY.

Hon. WILLIAM L. MARCY,  
*Secretary of State, Washington.*

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No. 42.

*Mr. Offley to Mr. Marcy.*

[Extract.]

UNITED STATES CONSULATE,  
*Smyrna, August 5, 1853.*

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On the 16th July last, I had the honor of transmitting to you duplicate of my dispatch dated the 5th of same month, and of the documents therein mentioned, relative to Martin Koszta, an Hungarian refugee, who had been forcibly arrested by order of the Austrian consulate at this place, and taken on board of the "Huszar," an Austrian brig of war, and afterwards, in accordance to an agreement passed between this and the Austrian consulate, was transferred to the French naval hospital, until his nationality and rights should be settled by the United

States legation and the Austrian embassy at Constantinople. Since Koszta's transfer to the hospital, the Austrian authorities have made use of every possible intrigue to induce him to escape from there. This has been several times proposed to him by persons whom I have every reason to believe are Austrian emissaries, offering to conceal him in their houses, whose object doubtless, was to have him arrested on leaving the hospital, by the Austrian spies, who are constantly hovering about the building, and restore him again to the Austrians; but Koszta was timely put on his guard by me, against all such intrigues on their part.

I have been informed that, since the revolution of 1848, the emperor of Austria had granted a general amnesty to all his subjects who had taken up arms against the government, inviting those who had taken refuge in foreign countries to return to Austria in the space of six months; and that those who would fail to return in that space of time would lose the right of Austrian protection, and that he would no longer consider them as Austrian subjects.

I have endeavoured to get a copy of this decree, thinking it might be useful in Koszta's case; the persons to whom I have applied for it remember that an ordinance to this effect had been issued by the emperor of Austria, but I have not succeeded in getting it.

I have the honor to be, sir, with great consideration, your obedient servant,

E. S. OFFLEY.

Hon. WM. L. MARCY,

*Secretary of State, Washington.*

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*Mr. Mann to Mr. Offley.*

DEPARTMENT OF STATE,  
*Washington, August 6, 1853.*

SIR: The department learned, about ten days since, through the *public prints*, that a person, said to be in possession of a passport as an American citizen, was recently seized in the city of Smyrna, and conveyed on board an Austrian vessel then lying in the harbor.

In the same manner, it has since understood that this gentlemen has been placed, at the request of yourself and the Austrian consul, in charge of the French consul at Smyrna. Other details have been given to which it is needless now to refer. The department has been waiting with much interest, from day to day, to receive from you the official account of these important transactions, but, as yet, nothing has come to hand, although it is well known that private parties in New York have received letters, since the date of these occurrences, both from Smyrna and Constantinople.

It is to be presumed that you could not have been so negligent in regard to your official duties as to omit altogether transmitting information of them to the department. Should it appear, however, that there was any delay on your part in writing to the department, or in embracing the first opportunity of sending dispatches, the fact will be at

once reported to the President. You will in future take care also to send a duplicate of your several communications by different conveyances.

I am, sir, &c.,

A. DUDLEY MANN,  
*Acting Secretary of State.*

E. S. OFFLEY, Esq.,  
*United States Consul, Smyrna.*

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*Mr. Marcy to Mr. Offley.*

DEPARTMENT OF STATE,  
*Washington, August 13, 1853.*

SIR: Your interesting dispatch, under date of July 5, marked duplicate, has been received, and the important questions to which it gives rise are now under grave consideration.

I am sir, &c.,

W. L. MARCY.

E. S. OFFLEY, Esq.,  
*United States Consul, Smyrna.*

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*Mr. Marcy to Mr. Offley.*

DEPARTMENT OF STATE,  
*Washington, August 31, 1853.*

SIR: Referring to the dispatch addressed to you by this department on the 13th instant, in which the receipt of your dispatch of the 5th ultimo was acknowledged, and you were informed that the important questions growing out of the kidnapping of Martin Koszta were under consideration, I have now to instruct you that, while the President regrets the occurrences presented in those communications, he does not find, after the fullest attention given to the subject, any just cause for disapproving of your conduct, or that of Captain Ingraham, the commander of the United States corvette the *St. Louis*, or that of any of our diplomatic agents who took part in the matter. Though Martin Koszta was not invested with all the rights and privileges of a citizen of the United States, he was, at the time the outrage was committed upon him, entitled to the protection extended to him by the American functionaries at Smyrna. Having placed himself under the consular flag at Smyrna, and that of the United States legation at Constantinople, he had a right to be protected and respected as an American citizen, according to the immemorial usage of that country; a usage which has the obligatory character of a law in Turkey, and has been sanctioned and upheld by the highest courts instituted by the most enlightened nations for the administration of international law. You

therefore did nothing more than your duty in claiming for him the protection due to one of our citizens, and you and Captain Ingraham are justified by your government in using the means you did for procuring his release from illegal imprisonment.

I am, sir, &c.,

W. L. MARCY.

E. S. OFFLEY, Esq.,  
*United States Consul, Smyrna.*

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No. 44.

*Mr. Offley to Mr. Marcy.*

UNITED STATES CONSULATE.

*Smyrna, September 17, 1853.*

SIR: I have the honor to acknowledge the receipt of the dispatch addressed me by the Acting Secretary of State, the Hon. A. Dudley Mann, dated August 6th last past, as well as of your dispatch, dated August the 13th, informing me that my dispatch, dated July 5th, relative to Martin Koszta, had been received by the department.

The former reached me on the 9th instant, and the latter yesterday, (the 16th.) I beg to state that immediately after the occurrence of the Koszta affair, my first care was to report the case to your excellency. The first mail that offered was that of the 6th of July by the Austrian steamer, via Trieste, and, although my dispatch was ready to be sent by that opportunity, I preferred forwarding it the day after by the French steamer, via Marseilles, care of the United States legation at London, that conveyance being, in my estimation, the safest one; as I feared, if I had sent it through Austria, it might have been opened, or even destroyed.

The departure of the mail gives me only time to inform you that I have just received a dispatch, and a duplicate of the same, from the United States legation, under date 15th instant, wherein it is stated that the proposal made, by the Hon. G. P. Marsh, to the Austrian minister at Constantinople, for Koszta's liberation and return to America, has been accepted by the Austrian government. I beg to enclose the duplicate of the above dispatch, (subjoined A,) as well as copy of a letter from the Hon. G. P. Marsh, under date August 4th (subjoined B) to this consulate, which contains the nature of the above proposal. I deem it my duty to lay these copies before you, as some delay may possibly occur in the receipt of the dispatch that Mr. Marsh has probably addressed you thereon.

I have the honor to be, sir, with great consideration, your obedient servant,

E. S. OFFLEY.

Hon. W. L. MARCY,  
*Secretary of State, Washington.*

A.

CONSTANTINOPLE, September 15, 1853.

SIR: The Austrian government has consented to my proposal for Koszta's liberation and return to America, on the conditions offered by me. I have not time to make the necessary arrangements before the departure of the mail of this evening, but I shall send either an agent, or more explicit instructions, by the Monday's boat.

In the meantime inquiries can be made for an opportunity of taking passage for him in an American ship sailing *direct for the United States*, and if he is destitute of means, the legation will provide the funds to pay his passage.

As, however, I have no authority to use the contingent fund of the legation for this purpose, I hope he will be able to raise the necessary means.

Koszta is to remain at the French consulate until the moment of sailing, and is then to be put on board the ship under the surveillance of the American and Austrian consulates. Of course he can on no account leave the French consulate general in the meantime, and I earnestly hope that measures will be taken to prevent any public demonstration or disturbance of any sort, either before or at the time of his embarkation.

I am, sir, respectfully yours,

GEORGE P. MARSH.

E. S. OFFLEY, Esq.,

*United States Consul.*

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B.

THERAPIA, August 4, 1853.

SIR: I have this day, at the suggestion of the French ambassador, had an interview with Mr. de Bruck on the subject of Koszta's release.

I modified my former proposal, to the effect that Koszta should be put on board the first American ship sailing directly for an American port, by the French consulate or the Turkish authorities, with a stipulation that he shall not land at any Turkish or European port, and that if he voluntarily leaves the ship, our protection shall be withdrawn from him.

I *think* this proposal will be accepted, and I wish you to communicate it to Koszta, and obtain his consent to it. It will be some days (two weeks or more) before an answer can be returned from Vienna. The notorious ———, an Austrian spy and assassin, is said to have gone to Smyrna. I hope Koszta will be on his guard against *false* friends as well as open enemies.

G. P. MARSH.

E. S. OFFLEY,

*U. S. Consul, Smyrna.*



*Mr. Offley to Mr. Marcy.*

U. S. CONSULATE,  
*Smyrna, September 27, 1853.*

SIR: I had the honor of addressing you on the 17th instant, answering the dispatches from the Department of State, under date 6th and 13th August last, and transmitting the duplicate of a letter I had received on that day from the minister resident at Constantinople, dated the 15th instant, stating that his proposal for Mr. Koszta's liberation had been accepted by the Austrian government; enclosing also copy of the minister resident's letter of the 4th August, wherein the terms of the above proposal were mentioned.

On the 21st instant, Mr. J. P. Brown, dragoman of the United States legation, arrived from Constantinople, and handed me a dispatch from the minister resident, dated the 19th instant, containing an extract of the agreement between the Hon. G. P. Marsh and the Austrian internuncio on Koszta's liberation, and intimating to me to act in the whole matter under Mr. Brown's general direction. The agreement was not conformable with the tenor and spirit of the above mentioned letter of the legation, under date August 4, to which Mr. Koszta had given his consent at the request of the minister resident; but it contained a new proviso, to which I felt it my duty to abstain from giving my assent, under the following considerations:

The Austrian government thereby reserves to itself, "in conformity with its rights," to proceed against Koszta whenever he may be found again on the Ottoman territory. Last month Mr. Marsh refused to give his consent to a clause proposed by Baron De Bruck, which simply provided, that Mr. Koszta should not return again to Turkey, as appears by the following extract of a letter written to this consulate by Mr. Brown, under Mr. Marsh's instructions, dated the 2d of August last, wherein he says: "The internuncio wishes Mr. M. (Marsh) to provide that he (Koszta) will never return again to Turkey, which *he cannot do*. His case will, I believe, soon come to an end." It is therefore surprising that the legation should now concede more than it refused to agree to at first, especially as it knows that the prevalent opinion of Europe and of the United States has supported our conduct in this case.

I considered the condition admitted by the legation as a triumph to Baron De Bruck, and a mortification to the character of our country, the effect of which would destroy all the influence and credit that now reflects on it in consequence thereof, and would confirm the principle laid down by Austria in her manifest and in her press on this subject.

If Mr. Koszta be merely regarded as a political refugee, the pretensions of Austria, admitted by the legation in its agreement with the internuncio, are not only contrary to the laws of nations, but have also always been contested to Austria by France, England, and even Turkey itself; and the question was more particularly resolved in 1849, after the events of 1848.

But Koszta is under the protection of the United States, and, by ac-

completing the laws of naturalization, he becomes entitled to the rights of a citizen; and according to that reserve, he would not be able to return to Turkey, and in case he did, Austria would have the right to arrest him. No law authorizes the legation to forbid a citizen of the United States his liberty of action, and his right of going where he may think proper. This seemed to me to establish a dangerous principle.

Baron De Bruck having sent the agreement heretofore mentioned to Vienna for the approbation of his government, it would seem but rational that it should also be submitted to the United States government for the same purpose, so as to afford our government the same advantage, and in order that both governments should stand on an equal footing in a question of so important a nature, particularly as, in all diplomatic transactions, the approbation of the respective governments is always reserved.

I must also state that having acquainted Koszta with the terms agreed upon by Mr. Marsh and Baron de Bruck, he declared that he would not, by his full and free will, submit to such conditions, unless the agreement should be approved by the United States government, and which he confirmed in a letter to me under date of the 24th instant.

It further appeared to me that, by acceding to the reserve of Austria, it would have been a disavowal, by our own free will, of our previous acts, and that it would have been inconsequent. Moreover, the dignity of the legation cannot suffer from the non-execution or postponement of the agreement, as it depends on Mr. Koszta's submitting to the terms therein mentioned.

Had I acceded to the agreement for Koszta's release, it would have become an accomplished act. I would have been co-operating in the decision of a case of so grave a nature, so closely connected with, and involving the national character, and I would have been consenting to conditions that I considered to be offensive to its dignity.

Such are the considerations which have induced me to refuse giving my consent to Koszta's release, until I receive your instructions thereto, and which I submitted to Mr. J. P. Brown, together with your dispatch of the 13th of August last; and as he insisted on the execution of the agreement, I addressed him officially, under date of the 2d instant, informing him of my resolution not to give my consent for the removal of Koszta under the terms specified in the agreement.

I trust, sir, that my proceedings will meet your approbation, and that the feelings that guided me will be appreciated by you, as I am conscious of having acted in support of the dignity of our country, and of our highly praised and cherished principles.

I have the honor to be, &c.,

E. S. OFFLEY.

HON. W. L. MARCY,  
*Secretary of State, Washington.*

*Documents enclosed.*

- A. Hon. G. P. Marsh's letter of the 4th of August, 1853.
- B. Hon. G. P. Marsh's letter of the 19th of September, 1853.
- C. E. S. Offley's letter to G. P. Marsh, September 23, 1853.
- D. E. S. Offley's to J. P. Brown, September 22, 1853, and his answer of the 23d of September, 1853, and E. S. Offley's reply of the 23d of September, 1853.
- E. E. S. Offley's letter to G. P. Marsh, September 26, 1853.
- F. Martin Koszta's letter to E. S. Offley, September 24, 1853.

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D.

UNITED STATES CONSULATE,  
*Smyrna, September 22, 1853.*

SIR: After the interview that I had the pleasure of having with you yesterday, I again attentively perused the dispatch you handed me from the Hon. G. P. Marsh, relative to the agreement he has made with M. de Bruck for the release of Mr. Koszta from the French hospital, and his transfer to an American vessel sailing direct for the United States; and I now beg to inform you that for reasons which I shall have the honor of laying before the honorable G. P. Marsh, by to-morrow's boat, and which I explained to you yesterday, I deem it my duty not to give my consent for his removal from the French hospital.

I have the honor to be, &c.,

E. S. OFFLEY.

J. P. BROWN, Esq., &c., *Smyrna.*

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*Mr. Brown's answer to the above.*

SMYRNA, *September 23, 1853.*

SIR: I have received this morning your letter of yesterday, in which you make known to me, that you "deem it your duty not to give your consent to the removal of Mr. Koszta from the French hospital;" and in reply have to request that you will conform to the instructions which I handed you on my arrival, from the minister resident, on the subject of this person's being placed on board of an American vessel leaving direct for the United States.

I do this, sir, as a point of duty towards the chief of the legation, under whose instructions I act, and because I do not believe that a delay will be productive of any useful change in the arrangement agreed upon by him and the Austrian minister.

I shall communicate with the minister resident on the subject of the course adopted by you, and await here his further instructions.

I remain, sir, &c.,

J. P. BROWN.

E. S. OFFLEY, Esq., &c.

*Mr. Offley's reply to Mr. Brown.*

SMYRNA, September 23, 1853.

SIR: I have the honor to acknowledge the receipt of your to-day's note, and in reply beg to refer you to the letter I had the honor of handing you this morning.

I remain, sir, &c.,

E. S. OFFLEY.

J. P. BROWN, Esq., &amp;c., Smyrna.

Correct copies.

E. S. OFFLEY.

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No. 47.*Mr. Offley to Mr. Marcy.*UNITED STATES CONSULATE,  
Smyrna, October 7, 1853.

SIR: I have the honor to acknowledge the receipt of your dispatch under date of 31st August last, conveying me the gratifying intelligence that the President has been pleased to approve of my conduct regarding the release of Mr. Martin Koszta from the hands of the Austrian authorities of this place.

Allow me, sir, to take the liberty of assuring you, and through you, our very respected President, that my earnest desire is, and always will be, to merit the confidence bestowed upon me in the discharge of my duties.

As the contents of your above dispatch established the position and the rights of Mr. Martin Koszta to the protection of the United States, I have deemed it my duty to transmit him a copy of the same, and I now beg to enclose a copy of a letter which he addressed me on the 5th instant, wherein he begs me to express his gratitude to the United States government.

I have the honor to be, sir, your most obedient servant,

E. S. OFFLEY.

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[Translation]

MONSIEUR LE CONSUL: I have had the honor to receive the copy of the dispatch of the honorable Secretary of State, dated the 31st of August, on the subject of my position, which you had the kindness to communicate to me. I see from it, with immense satisfaction and gratitude, that the government of the United States considered me as placed under the efficacious protection of the American flag as any other citizen.

Hereafter, certain of your support, (the only support I can or ought to invoke,) and in the unforeseen circumstance that the consul general of France should think fit no longer to extend to me the hospitality I have found in the French hospital, I beg that you will protect me.

I avail myself of this occasion to thank you with all my heart for all you have done in this noble cause, and under such difficult circumstances; and I beg that you will be the interpreter with the government of the United States of my profoundest gratitude.

Please to accept my respects, and I am your humble servant,  
MARTIN KOSZTA.

Mr. E. S. OFFLEY, *United States Consul at Smyrna.*

A correct copy.

E. S. OFFLEY.

SMYRNA, *October 5, 1853.*

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No. 48.

*Mr. Offley to Mr. Marcy.*

UNITED STATES CONSULATE,  
*Smyrna, October 7, 1853.*

SIR: I respectfully beg to refer to my dispatch, under date of 27th September last, with the enclosed documents, which I forwarded per steamer, direct for Liverpool, and duplicate of the same on the following day, via Marseilles, wherein I had the honor of informing you of the reasons that induced me to abstain from giving my consent to the agreement between the Hon. G. P. Marsh and the Austrian internuncio, for Koszta's removal from the French hospital of this place.

On the 30th ultimo, I received the enclosed dispatch (sub. A) from the minister resident, under date 26th of the same month, in answer to my dispatch of the 23d. This dispatch was transmitted to me in a letter (sub. B) from Mr. J. P. Brown, dated the 30th, requesting me to inform him "whether or not" I would give my signature for Koszta's release from the charge of the French consul.

I replied to Mr. Brown, on the same day, (sub. C,) that I would inform him of my decision on receipt of an answer from Mr. Marsh to my letter of the 26th ultimo, wherein I had enclosed a copy of a letter from Mr. Koszta, stating his reasons for refusing to submit to the agreement between M. de Bruck and the minister resident, and his wish to have it submitted to the United States government for its approval. On the same day I received a letter (sub. D) from Koszta, dated the 30th September, requesting me to call upon him, as Mr. Brown had been to see him, and had used every possible means of intimidation, to make him submit to the terms of the agreement and leave immediately for the United States.

These steps, on the part of Mr. Brown, induced me to believe that an understanding had taken place between the minister resident, the Austrian internuncio, and the French ambassador, and that the two latter

ad given orders to their consuls here to recognize Mr. Brown in my head should I refuse to give my consent for Koszta's embarkation, though this consent is one of the essential conditions of the convention signed by me and the Austrian consul, on the 2d of July last.

Being, however, deprived of dispatches from the State Department, the dispatch of the 31st of August not having been then received,) and, in consequence of the positive and strong language held by Mr. Brown, as well as that of the minister resident, in his dispatch of September 26, the only advice I could give Koszta, in this instance, was to postpone giving Mr. Brown a decisive answer as long as possible, as the mail from Europe, which was due on that day, might bring dispatches from the State Department, throwing more light on the course we should pursue, at the same time I assured him of the protection of the consulate.

On the following morning, the 1st of October, I received your dispatch of August 31, which I hastened to bring to the knowledge of Mr. Brown, in the hope that he might have found sufficient importance in its contents as to induce him to re-consider the case, and direct thereby his further action. But after having perused it, he not only continued firm in his former opinion, but also went to Mr. Koszta, and told him that if he did not leave immediately for the United States, according to the agreement, the legation would withdraw from him its protection, and that the French consul would send him out of the hospital, and that he would fall again into hands of the Austrians. Notwithstanding all that Mr. Brown had told Koszta, he persisted in his refusal, under the conviction that the United States protection would not fail him. Mr. Brown then declared that the legation had nothing more to do with him, and on the same evening left for Constantinople.

On the 1st instant I addressed the Hon. G. P. Marsh, (sub E.,) enclosing a copy of your above dispatch of the 31st of August last.

The position of Koszta has not changed, but should he be driven out of the French hospital, as Mr. Brown intimated, I will give him the efficacious protection of the American flag, according to the tenor of your forementioned dispatch of the 31st of August.

His expulsion from the hospital, however, is not at all probable, the French consul having read me, some time since, a dispatch from his government, stating that it had approved the charge he had taken, and that the only thing that might be regretted, would be a disapprobation of the United States government of the steps taken by its functionaries, in which case the French government would be under the necessity of giving him its protection.

I beg to bring to your notice, that the proposal of the Hon. G. P. Marsh to Baron de Bruck, for Koszta's release, was sent to Vienna, about the 30th of July last, and was kept there in abeyance until about the middle of September, when they had no doubt heard of the views of the United States government on the matter, and they then forwarded it to Constantinople for its execution, and authorized the internuncio, as it appears in Mr. Marsh's letter to this consulate, of the 26th of September, "to settle the arrangement relative to the same, according to Mr. Marsh's proposal;" therefore the clause of reserve must have been added in the agreement by Baron de Bruck, and according to the above

authorization from his government, he had the power of withdrawing it therefrom, had the Hon. George P. Marsh insisted on the same.

I have the honor to be, sir, your most obedient servant.

E. S. OFFLEY.

Hon. W. L. MARCK,  
*Secretary of State, Washington.*

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SMYRNA, *September 30, 1853.*

SIR: I have the honor to enclose you a letter from the minister resident, on the subject of the departure from this place of Mr. Martin Koszta. Be so good as to let me know, at your earliest convenience, whether or not you are willing to give your signature for his release from the charge of the French consul.

I remain, sir, with very great respect, your obedient servant,  
JOHN P. BROWN.

E. S. OFFLEY, Esq.,  
*United States Consul, Smyrna.*

A correct copy.

E. S. OFFLEY.

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UNITED STATES CONSULATE,  
*Smyrna, September 30, 1853.*

SIR: I have the honor to acknowledge the receipt of your letter of this day, with the enclosed dispatch from the minister resident, under date 26th instant, on the subject of the departure of Mr. Koszta from this place, and wherein you request me to let you know whether or not I will give my signature for his release from the charge of the French consul.

The minister resident's above letter, as you have no doubt remarked, only acknowledges receipt of my dispatch dated the 23d instant, whilst I had also addressed him on the 26th inst., enclosing copy of a letter from M. Martin Koszta to this consulate, wherein he stated his reasons for refusing to submit to the agreement between Mr. de Bruck and Mr. Marsh, and requested that the same (the agreement) should be sent to the United States government, and if approved by it, that he would then unhesitatingly give his consent to the same. Mr. Marsh intimates in his letter that if Koszta refuses to accede to the agreement, he would then inform the Austrian internuncio and the French embassy of the same. And he further says, that "Koszta must accept the terms of the agreement if he expects further aid or countenance from the legation."

Koszta's written refusal to accede to the agreement leads me to conclude that Mr. Marsh must have acted as he intimates, and has abandoned the case.

On receipt of Mr. Marsh's expected answer, I shall inform you of my decision.

I remain, respectfully, your obedient servant,

E. S. OFFLEY.

JOHN P. BROWN, Esq., &c., *Smyrna*.

A correct copy.

E. S. OFFLEY.

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E.

UNITED STATES CONSULATE,

*Smyrna, October 1, 1853.*

SIR: I had the honor to receive on the 30th ultimo your dispatch, under date of September 26, and I now beg to enclose a copy of a dispatch that I have just received from the honorable Secretary of State, dated the 31st of August, on the subject of Koszta, which comes in support to the remarks contained in my letter of the 23d instant, relative to the terms of the agreement between yourself and Baron de Bruck, for Koszta's removal from the French hospital.

I regret that I did not receive by to-day's boat an acknowledgment to my dispatch of the 26th instant, wherein I transmitted you a copy of a letter from Mr. Koszta, in which he states his reasons for refusing to give his consent to the terms of the above agreement, and wherein he requests me to submit the same to the United States government for its approbation, which I have done; especially, as I hoped you would have consented to this delay, which, in my opinion, he has the right to expect.

I shall take the liberty to remark that, after the perusal of the above dispatch from the Secretary of State, the legation cannot refuse to Koszta its further aid and countenance, and that the threats of Mr. T. P. Brown to Mr. Koszta, "that the protection of the United States shall be withdrawn from him, and that the French consul will kick him out of the French hospital, should he continue to refuse to leave for the United States on the terms mentioned in the agreement," could not be put into practice, without an infraction to the rights of men.

Mr. Koszta has begged me to inform you that he continues to keep good his engagement towards you for leaving Smyrna, on the terms mentioned in your letter of the 4th of August last, which did not contain the proviso of the Austrian government relative to the reserve it makes of its rights to proceed against him whenever he is again found on the Ottoman territory, which, I trust, you will be able to obtain.

I have the honor to be, sir, your obedient servant,

E. S. OFFLEY.

Hon. G. P. MARSH,

*Minister resident of the United States at Constantinople.*



No. 49.

*Mr. Offley to Mr. Marcy.*

UNITED STATES CONSULATE,

*Smyrna, October 7, 1853.*

SIR: I have the honor to refer to my dispatch of to-day's date, and I now beg to transmit herewith a copy of a dispatch from the Hon. George P. Marsh, which I received to-day, and my answer thereto.

Though I observe some contradictions in Mr. Marsh's letters, I have thought it my duty to consent to Mr. Koszta's embarkation under the positive assurance of Mr. Marsh that the reserve of Austria is no part of the agreement.

I have the honor to be, sir, your most obedient servant,

E. S. OFFLEY.

Hon. W. L. MARCY,

*Secretary of State.*

UNITED STATES CONSULATE,

*Smyrna, October 7, 1853.*

SIR: I have the honor to acknowledge the receipt of your letter under date of 5th of October, and take the liberty to quote two paragraphs of your dispatch, dated 19th September, "and the following extract from the internuncio's letter specifies the *terms of the agreement*;" then follow the conditions of the embarkation and the clause: "*Le gouvernement imperial se reserve cependant de proceder,*" &c.; you then give me instructions for Koszta's embarkation, and say, "you will take from Koszta a writing, testifying his full and free agreement to the *terms above stipulated.*" By "*terms above stipulated,*" and "*terms of the agreement,*" I could not but understand that the reserve of Austria was a part of the agreement, and a clause mutually consented to between you and Baron de Bruck.

In your letter of the 5th instant, you state that "the reservation in M. de Bruck's letter is no part of the agreement between him and yourself, and that no assent to the principle insisted on by Austria has been given by you," and that the Hon. Secretary of State has fully instructed you on the whole subject. Such being the case I will, without loss of time, attend to his embarkation, according to your previous instructions, under your assurance that the reserve of Austria, "*Le gouvernement imperial,*" &c., is no part of the agreement, and that you have not given your consent to it.

I have been to see Koszta, and he agrees to his departure under the explanations contained in your above dispatch of the 5th instant.

I have likewise seen Mr. Weckbecker, and I do not anticipate any difficulty on his part as to the arrangements for Koszta's embarkation, which will probably take place to-morrow.

It was painful for me to observe that you seem to consider that my refusal for Koszta's release was caused by "an irritation growing out

of my personal relations with Mr. Brown," and not by the clause aforesaid. The cause, however, can be easily understood on reading my previous letters on this subject.

I have the honor to be, sir, your obedient servant,

E. S. OFFLEY.

Hon. G. P. MARSH,

*Minister resident of the U. S., Constantinople.*

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No. 50.

*Mr. Offley to Mr. Marcy.*

UNITED STATES CONSULATE,

*Smyrna, October 17, 1853.*

SIR: I respectfully beg to refer to my three dispatches of the 7th instant, Nos. 47, 48 and 49, duplicates of which I shall have the honor of transmitting by to-morrow's mail *via* England.

The embarkation of Mr. Martin Koszta took place on the afternoon of the 14th instant, on board the bark "Sultana," of Boston, Charles Watson, master, which left for Boston early on the following morning. I beg to enclose a copy of a letter dated the 14th instant, addressed to this consulate by Mr. Koszta, which he handed me after his embarkation; as well as a copy of a letter addressed by me and the Austrian consul to the French consul general, demanding the release of Koszta, according to our convention of July 2d, last; also, copy of a letter that I have this day written to the Hon. George P. Marsh informing him of Koszta's departure.

Trusting that you will approve of my conduct, I remain, sir, with great consideration, your obedient servant,

E. S. OFFLEY.

Hon. W. L. MARCY,

*Secretary of State, Washington.*

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[Translation.]

SIR: I had the honor of an interview with his eminence Mr. Brown this afternoon, and he was so kind as to inform me, that during his eminence's stay at Smyrna, his excellency, Mr. Marsh, had received positive instructions from the President of the United States to bring my matter to a close, and that once at liberty, the question of right will be the subject of ulterior negotiations between the two governments. I said that I never would give my consent to the treaty concluded by his excellency Mr. Marsh and the internuncio of Austria, and that I should never acknowledge any right that Austria may pretend to have over me. His eminence replied that these terms were only inserted in the treaty with reference to the American legation, and the reversal, that I would give my full and free consent to all the conditions of that

arrangement, would also have been with reference only the American legation; but now I must not give any reversal, nothing in writing, but accept my freedom at once, and this very evening start for America. In the event of my refusal his excellency will immediately withdraw from me the protection of the American flag, and will also tell Mr. Pichon, consul of France, to refuse me his hospitality, and to turn me out of the hospital.

As it is impossible for me to depart at once, and as I really want to reflect upon this point, I have begged his eminence to grant me a few days of delay, and also the liberty to consult you; he has been so kind as to grant me a delay until to-morrow at 12 o'clock.

This time is, indeed, very short, and I beg that you will pardon me if I entreat that you will grant me a few moments, and to come to me.

I remain your very obliged servant,

MARTIN KOSZTA.

Mr. E. S. OFFLEY,  
*United States Consul, Smyrna.*

Correct copy.

E. S. OFFLEY.

SMYRNA, September 30, 1853.

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[Translation.]

SMYRNA, October 14, 1853.

MONSIEUR LE CONSUL GENERAL: We have had the honor to inform you that, conformably with the terms of our convention of July 2d, last, and in pursuance of the instructions of our respective ambassadors at Constantinople, Mr. Martin Koszta will take passage under our supervision on board the first American vessel.

We beg you, therefore, M. consul general, to give the necessary orders to the door-keeper of the French hospital, in order that Mr. Martin Koszta may be at liberty to go out at the time of his embarkation.

Be pleased at the same time, M. consul general, to accept our sincere thanks for the extreme kindness and amiability you have evinced towards us on this occasion.

We have the honor to remain your very humble servants,

WECKBECKER,  
E. S. OFFLEY.

Mr. T. PICHON,  
*Consul General of France, &c., Smyrna.*

A correct copy.

E. S. OFFLEY, *United States Consul.*





REPORT  
OF  
THE POSTMASTER GENERAL,

COMMUNICATING,

*in compliance with a resolution of the Senate, a statement of the annual pay of the several railroad companies in the United States for the transportation of the mails.*

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APRIL 12, 1854.—Referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

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POST OFFICE DEPARTMENT, *April 11, 1854.*

SIR: In obedience to the resolution of the Senate of the 7th ultimo, have the honor to submit herewith a report of the annual pay to the several railroad companies in the United States for the transportation of the mails for three years, with the rates of charges on the different roads.

Instead, however, of taking the three years up to the 1st of January last, as specified in the resolution, it has been found necessary to take the fiscal years ending the 30th of June, 1853, because mail contracts are by law made to terminate with the fiscal year.

The contracts in New York and New England expired the 30th of June last; I therefore submit a separate report of the railroad service now in operation in that section, under new contracts, commencing the 1st of July last, or under offers of the department, showing where contracts are not executed, the offers of the department, and the demands of the railroad companies.

The total miles and annual pay on the several railroad routes, as now exhibited, vary somewhat from the totals in the tables of mail service for the years ending the 30th of June, 1851, 1852, and 1853, annexed to the several annual reports of the Postmaster General, dated the 29th of November, 1851, 4th of December, 1852, and 1st of December, 1853. This difference may be accounted for by the fact that the tables in question were necessarily prepared upon defective information, so far as regards railroad service, the same being performed in many cases without contracts, and the pay remaining subject to after adjustment by special orders.

I have the honor to be, yours, respectfully,

JAMES CAMPBELL.

Hon. D. R. ATCHISON,  
*President Senate United States.*



*Railroad service in New England and New York, April 1, 1854.*

No.	Route.	Miles.	Weekly trips.	Offer of department.		Demand of railroad companies.		Remarks.
				Pay per mile.	Pay per annum.	Pay per mile.	Pay per annum.	
MAINE.								
92	Railroad junction at Danville to Waterville.....	55	12	\$100 00	\$5,500 00			
95	Mechanics' Falls to Backfield.....	12	6	47 50	570 00			
96	Portland to Portsmouth.....	52½	12	150 00	7,837 50			
97	Portland to Augusta, 64 miles, and branch Brunswick to Bath, 9 miles.....	73	12	100 00	7,300 00			
100	Portland to South Paris.....	48	12	100 00	4,800 00			
129	South Paris to Canada line.....	117	6	100 00	11,700 00			
132	Leed's station to Livermore Falls .....	20	6	42 85	857 00			
	Portland to Hollis.....	18	6	42 85	771 00			No contract.
	Total.....	395			39,335 50			
NEW HAMPSHIRE.								
201	Concord to Lowell.....	50	18	129 00	6,429 00			
202	Concord to Portsmouth.....	47	12	43 46	2,043 00			
206	Concord to Wells River.....	52	12	75 00	7,125 00			
207	Concord to White river junction and branch. Franklin to Bristol.....	43	12	100 00	6,900 00	\$150 00	\$10,350 00	do.
208	Concord to Bradford.....	13	6	42 84	557 00	50 00	650 00	do.
209	Concord to Village to Hillsboro' Bridge.....	26	12	50 00	1,300 00			
233	Concord to South Milton.....	15	12	50 00	750 00			
241	Dover to Alton Bay.....	12½	6	42 88	536 00			
251	Nashua to East Wilton .....	28	6	50 00	1,400 00			
	Total .....	371½			27,726 00			

## VERMONT.

401	Windsor to Burlington.....	117	12	100 00	11,700 00	.....	No contract.....
411	Burlington to Rouse's Point.....	53½	12	100 00	5,350 00	.....	do.....
446	Rutland to Troy, and branch to Bennington.....	{ 83 4	12 6	85 72 42 85	7,114 28 171 42	150 00	13,050 00
456	White River junction to St. Johnsbury.....	61	12	85 72	5,229 00	.....	.....
460	Bellows Falls to Windsor.....	25	12	100 00	2,500 00	.....	.....
462	Bellows Falls to Burlington.....	120	12	100 00	12,000 00	.....	No contract.....
469	Brattleboro' to Bellows Falls.....	24	12	100 00	2,400 00	.....	.....
	Total.....	487½	.....	.....	46,464 70	.....	.....

## MASSACHUSETTS.

601	Boston to Portsmouth, and branch to Marblehead.....	54½	12	142 69	8,324 00	.....	No contract.....
602	Boston to South Berwick junction, and branches to Medford and Great Falls.....	{ 4 74½ 8½	12 12 6	106 20	8,515 00	.....	.....
603	Boston to Lowell, and branch to Woburn.....	26	18	124 00	3,600 00	.....	.....
604	Boston to Fitchburg, and branches to Lexington, Watertown, and Feltonville.....	3	6	128 57	6,525 00	.....	.....
605	Boston to Worcester, and branches to Saxonville, Farmington, and Milford.....	50½ 21 45	18 6 19	42 85	900 00	.....	.....
606	Boston to Providence, and branches.....	20 43	6 12	192 61	12,528 00	.....	.....
607	Dedham to Blackstone, and branch to Medway.....	{ 25 6 4 6	6 6 6 6	133 00	5,718 00	.....	.....
608	Boston to Plymouth.....	11½	12	49 89	1,447 00	.....	.....
615	Branch to Bridgewater.....	26	12	85 74	986 00	.....	.....
618	Salem to Lawrence.....	8	6	50 00	1,300 00	.....	.....
622	Lawrence to Manchester.....	20	6	42 87½	343 00	98 90	4,500 00
625	Lowell to Lawrence.....	27	12	35 65	713 00	.....	do.....
626	Groton Junction to Mason Village.....	14	12	50 00	1,350 00	.....	.....
628	Groton Junction to Lowell.....	23	6	42 87	986 00	.....	.....
628	Boston to Dover.....	17	6	50 23	854 00	.....	.....
634	South Braintree Junction to Fall River.....	18	6	27 76	500 00	.....	.....
635	Braintree Depot to Cohasset.....	42	12	90 47	3,800 00	.....	.....
641	Middleboro' to Sandwich.....	12 28	6 6	50 00	600 00	.....	No contract.....
	Total.....	28	6	50 00	1,400 00	71 42	2,000 00

\* 12 trips per week for four months; 6 trips per week for eight months.



*Railroad service in New England and New York, April 1, 1854—Continued.*

No.	Route.	Miles.	Weekly trips.	Offer of department.		Demand of railroad companies.		Remarks.
				Pay per mile.	Pay per annum.	Pay per mile.	Pay per annum.	
MASSACHUSETTS—Continued.								
652	Taunton to Mansfield Junction.....	12	19	\$100 00	\$1,200 00			
653	Taunton to New Bedford.....	21	12	85 71	1,800 00			No contract.
660	Fitchburg to Bellows Falls.....	64	12	100 00	6,400 00			
661	Fitchburg to South Vernon Junction.....	67½	6	50 00	3,387 00			
661	South Vernon Junction to Brattleboro'.....	10	18	125 00	1,250 00			
666	Palmer to Amherst.....	20	6	42 88	857 85			
672	Worcester to Albany.....	{ 55	19	250 00	13,750 00			
		{ 102	12	125 00	12,750 00			
673	Worcester to Nashua.....	45	12	75 00	3,375 00			
692	Springfield to Keene.....	{ 50	12	100 00	5,000 00			
		{ 24	6	50 00	1,200 00			
693	Springfield to Chicopee Falls.....	6	12	50 00	300 00			
699	Pittsfield to North Adams.....	21	12	42 85	900 00			
703	Sterling Junction to Fitchburg.....	14	12	50 00	700 00			
	Total.....	1,137			114,258 85			
RHODE ISLAND.								
803	Providence to Stonington.....	50	12	100 00	5,000 00			
807	Providence to Worcester.....	44	12	91 90	4,044 00			
	Total.....	94			9,044 00			
CONNECTICUT.								
907	Hartford to Willimantic.....	31½	13	50 00	1,575 00			do.



*Railroad service in New England and New York, April 1, 1854—Continued.*

No.	Route.	Miles.	Weekly trips.	Offer of department.		Demand of railroad companies.		Remarks.
				Pay per mile.	Pay per annum.	Pay per mile.	Pay per annum.	
NEW YORK—Continued.								
1219	Syracuse to Oswego.....	35	13	\$85 72	\$3,043 00	\$150 00	\$6,975 00	No contract.....
1258	Canandaigua to Watkins.....	46	12	50 00	2,325 00			.....do.....
1261	Canandaigua to Batavia.....	50	12	50 00	2,500 00			.....do.....
1264	Rochester to Niagara Falls.....	76	12	100 00	7,600 00	150 00	11,400 00	.....do.....
1269	Rochester to Buffalo.....	69	25	200 00	13,800 00	300 00	20,700 00	.....do.....
1305	Buffalo to Niagara Falls.....	22	6	42 86	943 00			.....do.....
1306	Buffalo to Hornellsville.....	91	6	42 86	3,900 00			.....do.....
1311	Buffalo to State line.....	69	12	200 00	13,800 00	300 00	20,700 00	.....do.....
1357	Corning to Batavia.....	90	6	42 86	3,857 00	100 00	9,000 00	.....do.....
1359	Elmira to Watkins.....	22	12	50 00	1,100 00	150 00	3,300 00	.....do.....
1365	Owego to Ithaca.....	33	12	42 86	1,415 00			.....do.....
Total.....		2266			280,206 50			

## RECAPITULATION.

*Railroad service in New England and New York, April 1, 1854.*

State.	Miles.	Average pay per mile.	Pay per annum.
Maine.....	395	\$99 58	\$39,335 50
New Hampshire.....	371½	74 22	27,726 00
Vermont.....	487½	95 31	46,464 70
Massachusetts.....	1,137	100 49	114,258 85
Rhode Island.....	94	96 21	9,044 00
Connecticut.....	637	100 90	64,278 43
New York.....	2,266	123 65	280,206 50
	5,388	108 81	581,313 98

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No.	Route.	1881.				1882.				1883.				Remarks.
		Miles.	Weekly trips.	Pay per mile.	Pay per annum.	Miles.	Weekly trips.	Pay per mile.	Pay per annum.	Offer of department.		Demand of railroad companies.		
										Pay per annum.	Pay per annum.			
MAINE.														
61	Bangor to Upper Stillwater.....	9	6	\$5 55	\$50 00	9	6	\$5 55	\$50 00					
91	Danville Junction to Waterville.....	55	6	63 12	3,472 00	55	6	63 12	3,472 00					
94	Portland to Portsmouth, N. H.....	52½	12	128 57	6,718 00	52½	12	128 57	6,718 00					
97	Portland to South Paris.....	48	6	67 85	3,257 00	48	6	67 85	3,257 00					
97	Portland to Northumberland, N. H.....													
124	Portland to Bath.....	34	12	55 88	1,900 00	34	12	55 88	1,900 00					
	Total.....	198			15,597 00	198			15,597 00					
NEW HAMPSHIRE.														
201	Concord to Lowell.....	50	18	145 74	7,287 00	50	18	129 00	6,429 00					
202	Concord to Plymouth.....	50	6	47 86	2,393 00	50	6	47 86	2,393 00					
206	Concord to White River Junction.....	82	6	93 85	7,635 00	82	6	78 91	6,471 00					
207	Great Falls to South Milton.....													
256a	Dover to Farmington.....	18	6	4 44	80 00	18	6	4 44	80 00					
257a	Concord to Bradford, with branch to Bristol.....	40	6	20 62½	825 00	40	6	20 62½	825 00					
262														
	Total.....	240			18,240 00	240			16,498 00					
VERMONT.														
301	Windsor to Rouse's Point.....	171	6	70 43	12,044 00	171	6	70 43	12,044 00					
302	White River Junction to St. Johnsbury.....	61	6	72 00	4,368 00	61	6	72 00	4,368 00					
303	Bellevue Falls to Windsor.....	24½	6	93 81	2,322 00	24½	6	93 81	2,322 00					
357	Bellevue Falls to Burlington.....	119	6	94 11	11,200 00	119	6	94 11	11,200 00					
	Additional for British and Canadian closed mails.....	376			27,959 00	376			27,959 00					
361		40			9,300 00	40			9,300 00					

[illegible]

*Railroad routes in the United States, with pay per annum and per mile for conveying mails—Continued.*

No.	Route.	1851.				1852.				1853.				Remarks.
		Miles.	Weekly trips.	Pay per mile.	Pay per annum.	Miles.	Weekly trips.	Pay per mile.	Pay per annum.	Offer of department.		Demand of railroad companies.		
										Pay per mile.	Pay per annum.			
MASSACHUSETTS—Continued.														
595	Springfield to Chicopee Falls.....	4	12	\$43 00	\$172 00	4	12	\$43 00	\$172 00					
596	Pittsfield to North Adams.....	21	6	42 85	900 00	21	6	42 85	900 00					
597	Sterling Junction to Fitchburg.....	14	12	50 00	700 00	14	12	50 00	700 00					
	Total.....	1028			98,910 00	1084			101,320 00			102,205 00		
RHODE ISLAND.														
600	Providence to Stonington.....	50	6	100 00	5,000 00	50	6	100 00	5,000 00					
610	Providence to Worcester, Mass.....	44	12	82 08	3,612 00	44	12	82 08	3,612 00					
	Total.....	94			8,612 00	94			8,612 00					
CONNECTICUT.														
674	Allyn's Point to Worcester, Mass.....	59	12	126 98	8,000 00	59	12	126 98	8,000 00					
687	New Haven to Springfield.....	7	6			7	6							
688	New Haven to Torrville, and branch to Collinsville.....	63½	18	171 82	10,857 00	63½	18	171 82	10,857 00					
689	Bridgeport to Winchester.....	57	6	42 72	2,435 00	57	6	42 72	2,435 00					
705	Bridgeport to State Line, and branch to Pittsfield.....	62	6	42 85	2,657 00	62	6	42 85	2,657 00					
707a	South Norwalk to Danbury.....	120	6	42 85	5,143 00	120	6	42 85	5,143 00					
710	New York to New Haven.....	78	18	168 85	13,132 00	78	18	168 85	13,132 00					
711	Hartford to Willimantic.....	32½	6	42 86	1,386 00	32½	6	42 86	1,386 00					
719	New London to Palmer.....	657-10	6	42 14	2,769 00	657-10	6	42 14	2,769 00					
717	Hartford to Bristol.....	20	6	42 85	857 00	20	6	42 85	857 00					
	Total.....	544			46,079 00	564			47,226 00				48,766 00	

NEW YORK.									
806	New York to Greenport.....	101	6	43 86	4,329 00	101	6	42 86	4,329 00
810	New York to Dover.....	83	6	43 18	8,497 00	100%	6	43 89	5,543 00
810	New York to Chatham Four Corners								
811	New York to Poughkeepsie.....	75	6	88 50	{ 3,214 00 2,568 00	100%			
811	New York to Albany.....								
813	New York to Dutchess.....	470%	19	150 00	70,575 00	144	19	235 00	93,400 00
813	Branch to Salisbury.....	22	12	43 86	94,100 00	460	19	250 00	115,000 00
813	Branch to Chester.....	22	12	43 86	1,100 00	18	6	43 88	771 00
889	Hudson to Chatham Four Corners								
915	Albany to Troy.....	17	12	68 82	1,000 00	20	6	43 90	858 00
915	Albany to Schenectady.....	6	12	138 50	771 00	17	12	68 82	1,000 00
916	Troy to Schenectady.....	17	12	138 50	771 00	17	12	138 50	771 00
916	Troy to Saratoga Springs.....	32	13	138 75	8,902 00	32	13	138 75	8,902 00
999	British and Canada mails								
999	Troy to Schenectady.....	20%	14	75 00	1,587 50	30%	14	75 00	1,587 50
999	Saratoga Springs to White Hall.....	39%	7	100 00	8,950 00				
999	British and Canada mails								
999	Saratoga Springs to Castleton, Vt.....								
997	Schenectady to Utica.....	78	19	200 00	15,600 00	54	18	107 57	5,909 00
1080	Utica to Syracuse.....	53	19	200 00	10,600 00	78	25	250 00	19,500 00
1079	Syracuse to Oswego.....	35%	13	92 87	8,297 00	35%	13	92 87	8,297 00
1080	Syracuse, by Auburn, to Rochester.....	104	19	200 00	20,800 00	104	25	250 00	26,000 00
1097	Rochester to Attica.....	44	19	200 00	8,800 00				
1164	Attica to Buffalo.....	31	19	200 00	6,200 00				
1188	Rochester to Buffalo.....								
1188	Lockport to Lewiston and Niagara Falls.....	27	19	37 77	730 00	27	25	250 00	18,750 00
1310	Buffalo to Niagara Falls.....	22	19	45 44	1,000 00	22	7	45 44	1,000 00
1317	Niagara Falls to Lewiston.....	7	19	38 57	200 00	7	7	34 57	173 00
1344	Oswego to Ithaca.....	20	6	43 86	1,286 00	30	6	43 86	1,286 00
1346	Newburg to Chester.....	20	6	43 86	5,100 00	119		43 86	5,100 00
1347	Rome's Point to Ogdensburg.....	119	6	43 86	2,100 00				
1353	Rome to Watertown.....	42	6	50 00					
1356	Rome to Cape Vincent.....								
1363	Buffalo to State Line.....								
1368	Watkins to Canandaigua.....								
1369	Hornellville to Buffalo.....								
1314	Hornellville to Portageville.....								
1314	Schenectady to Ballston.....								
1315	Corning to Conesus.....								
1316	Rochester to Niagara Falls.....								
1317	Plattsburg to State Line.....								
1398	Total.....	1496			175,659 00	1842			202,890 00
									308,309 00

No contract.



*Railroad routes in the United States, with pay per annum and per mile for conveying mails—Continued.*

No.	Route.	1901.				1902.				1903.				Remarks.
		Miles.	Weekly trips.	Pay per mile.	Pay per annum.	Miles.	Weekly trips.	Pay per mile.	Pay per annum.	Offer of department.		Demand of railroad companies.		
										Pay per mile.	Pay per annum.			
NEW JERSEY.														
13901	New York to point of intersection of Philadelphia road.	56	13	\$309 88	\$11,138 00	56	13	\$384 88	\$13,888 00					
13902	New York to Patterson.	18	13	83 22	1,500 00	18	13	83 22	1,500 00					
13903	New York to Morristown.	32	12	50 00	1,600 00	32	12	50 00	1,600 00					
13904	Elizabethtown to White House.	36	12	58 72	1,934 00	36	12	53 72	1,934 00					
13905	Point of intersection (of 13901) to Philadelphia.	54	13	318 51	17,200 00	54	13	375 00	20,250 00					
13906	Burlington to Mount Holly.	7	12	28 57	200 00	7	12	28 57	200 00					
13907	Philadelphia to Trenton.	34	7	100 00	3,400 00	34	7	100 00	9,800 00					
13908	Philadelphia to New York.					96	13	\$384 88	\$13,888 00					No contract.
13909	New York to New Brunswick.					45	12	85 71	3,857 00					do
13910	New York to Dover.					64	12	59 46	5,736 00				\$100 00	\$6,400 00
13911	Elizabethport to Easton.					54	13	375 00	20,250 00					do
13912	New Brunswick to Philadelphia.					37	6	42 86	1,586 00					do
13913	Trenton to Millford.					7	12	42 86	500 00					do
13914	Burlington to Mount Holly.					98	7	100 00	9,800 00					do
13915	Philadelphia to New York.													
13916	Total.	217			86,972 00	281			49,122 00				55,367 00	
PENNSYLVANIA.														
13917	Philadelphia to Columbia.	83½	14	150 00	12,525 00	82½	14	150 00	12,375 00					
13918	Philadelphia to Pottsville.	97	10	114 22	11,056 00	97	10	114 22	11,056 00					
13919	West Chester to Philadelphia.	23	6	16 66	425 00	23	6	16 66	425 00					
13920	Trenton to Lambertville.	16	6	26 55	425 00	16	6	26 55	425 00					
13921	Port Clinton to Yonkers.	20	6	42 80	856 00	20	6	42 80	856 00					
13922	Lancaster to Harrisburg.	37	14	150 00	5,644 00	37	14	150 00	5,644 00					
13923	Columbia to Harrisburg.	19	6	42 80	815 00	19	6	42 80	815 00					
13924	York to Harrisburg.	27	7	75 00	2,025 00	27	7	75 00	2,025 00					
13925	Harrisburg to Chambersburg.	32	13	142 86	4,429 00	32	13	142 86	4,429 00					
13926	Harrisburg to Philadelphia.	139	7	100 00	13,900 00	139	7	100 00	13,900 00					

1894	Quantaburg to Hagerstown	22	6	48 84	943 00	13%	70	200 00	14, 675 00	800 00	25, 050 00	No contract.
1895	Coring to Maryland	40	6	48 87	1, 715 00		97	146 88	14, 915 00			
1896	Loderville to Hagerstown	40	6	80 00	1, 000 00		33	62 73	888 00			do
1897	Erie to State Line	20	14	150 00	8, 000 00		20	43 96	7, 072 00	800 00	11, 957 50	do
1898	Philadelphia to Columbia						19	43 96	5, 400 00			do
1899	Philadelphia to Potomac						27	100 00	5, 200 00			do
1900	West Chester to Philadelphia						200	44 90	843 00	300 00	75, 000 00	do
1901	Port Clinton to Tamaqua						21	26 00	300 00			
1902	Lancaster to Harrisburg						11%	43 88	1, 715 00			
1903	Columbia to Middletown						50	2, 143 00	2, 143 00			do
1904	York to Harrisburg						20	150 00	3, 000 00			
1905	Harrisburg to Chambersburg						13	43 84	567 00			
1906	Harrisburg to Pottsville											
1907	Quantaburg to Hagerstown											
1908	Pottsville to Towson											
1909	Boonburg to Corning											
1910	Loderville to Scanlon											
1911	Northville to Erie											
1912	Glen Rock to Hanover											
1913	Total	256		57, 915 00	743		774		108, 190 00			
MARYLAND.												
1901	Baltimore to Philadelphia	102	20	875 00	37, 500 00							do
1902	Baltimore to Washington	40	14	800 00	12, 000 00							do
1903	Baltimore to Cumberland, and branch to Frederick	179	14	500 00	53, 700 00							do
1904	Baltimore to Columbia	72	7	100 00	7, 000 00							do
1905	Baltimore to Annapolis	20	6	110 00	2, 200 00							do
1906	Baltimore to Philadelphia						13	375 00	37, 500 00			do
1907	Baltimore to Washington						40	14	800 00			do
1908	Baltimore to Cumberland						179	14	500 00			do
1909	Cumberland to Wheeling						201	7	187 50	37, 957 50		do
1910	Baltimore to Columbia						50	14	300 00			do
1911	Annapolis Junction to Annapolis						13	7	143 00			
1912	Total	416		113, 450 00	414		613		156, 485 00			
OHIO.												
1893	Springfield to Dayton	24	6	49 87	1, 029 00							
1894	Columbus to Xenia	54	14	237 50	12, 825 00							
1895	Columbus to Cleveland	135	12	205 00	27, 675 00							
1896	Manassah to Sandusky	61	6	74 48	4, 544 00							
1897	Springfield to Sandusky	134	6	64 88	8, 615 00							

+ Pay \$398 per annum—more than \$375 per mile, owing to a mistake made on 4th of March, 1899,

\* Twenty-five miles steambot.

*Railroad routes in the United States, with pay per annum and per mile for conveying mails—Continued.*

No.	Route.	1931.				1939.				1938.				Remarks.
		Miles.	Weekly trips.	Pay per mile.	Pay per annum.	Miles.	Weekly trips.	Pay per mile.	Pay per annum.	Offer of department.		Demand of railroad companies.		
										Pay per mile.	Pay per annum.			
OHIO—Continued.														
2294	Cincinnati to Springfield.	{ 64	14	\$297 50	{ \$17,300 00									
		{ 21	7	100 00										
2295	Mansfield to Newark.	63	6	42 85	2,700 00	63	7	85 70	5,400 00					
2305	Cleveland to Geneva.	50				50		100 00	5,000 00					
2355	Zanesville to Newark.	95½	6	42 86	2,186 00	95½	6	42 86	2,186 00					
2306	Pittsburg to Alliance.	{ 28	82		{ 8,200 00			100 00	8,200 00					
		{ 42	6		{ 7,900 00			50 00						
3357	Cleveland to Wellsville.													
10055	Erie to Cleveland.					96	13	\$270 00	\$25,920 00					
10104	Springfield to Dayton.					24	6	100 00	2,400 00					
10156	Columbus to Xenia.					55	13	270 00	14,850 00					
10163	Columbus to Cleveland.					128	13	270 00	37,260 00					
10185	Mansfield to Sandusky.					61	6	85 72	5,229 00					
10186	Mansfield to Newark.					63	6	85 71	5,400 00					
						126	6	100 00	{ 14,400 00					
10294	Springfield to Sandusky.					16	6	50 00						
						64	13	270 00	{ 19,150 00					
10364	Cincinnati to Springfield.					19	6	100 00	6,000 00					
10366	Cincinnati to Dayton.					60	6	100 00	6,000 00					
10394	Hamilton to Eaton.					27	6	42 85	1,157 00					
10399	Cleveland to Wellsville.					100	6	100 00	10,000 00					
						82	6	150 00	{ 23,000 00					No contract.
10390	Pittsburg to Cressline.					107	6	100 00						do
						60	7	200 00	12,000 00					do
10391	Zanesville to Columbus.					87	6	50 00	1,850 00					do
10392	Hillsboro' to Loveland.					83	6	42 85	3,537 00					do
10393	Gallion to Sidney.					130	6	100 00	13,000 00					do
10394	Dayton to Indianapolis.					87	13	200 00	17,400 00					do
10394	Toledo to Grafton.													
	Total.	556			79,750 00	813			100,674 00	1445			212,603 00	
INDIANA.														
10398	Indianapolis to Madison.	87	6	42 81	7,457 00	87	6	42 81	7,457 00				7,457 00	
10378	Indianapolis to Washington.	97	6	42 81	7,457 00	97	6	42 81	7,457 00				7,457 00	



*Railroad routes in the United States, with pay per annum and per mile for conveying mails—Continued.*

No.	Route.	1851.				1852.				1853.				Remarks.	
		Miles.	Weekly trips.	Pay per mile.	Pay per annum.	Miles.	Weekly trips.	Pay per mile.	Pay per annum.	Miles.	Weekly trips.	Pay per mile.	Pay per annum.		
TENNESSEE—Continued.															
0475	Nashville to Tullahoma.					70	6	\$42 50	\$9,885 00	123½	6	\$100 00	\$12,350 00	\$24,700 00	No contract.
0475	Branch to Shelbyville.					9				8		50 00	400 00	100 00	do.
0475	Nashville to Jonesville.									50		50 00	2,500 00		
0475	Branch to Shelbyville.														
0475	Memphis to La Grange.														
0475	Total.					184			5,742 00				21,400 00		
VIRGINIA.															
0425	Richmond to Charlottesville.	99¾	7	\$75 50 to 100 00 27 00 to 31 03	\$3,250 00										
0427	Richmond to Aquia Creek.	75¾	1	31 03	18,046 88										
0429	Richmond to Petersburg.	24¾	7	288 00	5,815 48										
0440	Petersburg to City Point.	12	6	37 50	15,200 00										
0444	Petersburg to Weldon.	64	1	237 50											
0448	Winchester to Gaston.	30	1	100 00	2,000 00										
0454	Winchester to Harper's Ferry.	32	6	< 5 11	2,743 00										
0463	Richmond to Aquia Creek.					75¾	14	800 00	22,700 00		14	300 00	22,700 00		do.
0469	Richmond to Westville Depot.					109	7	83 00	9,050 00		111	7	84 23	9,350 00	
0469	Richmond to Washington River.					24¾	14	800 00	7,350 00		14	7	800 00	7,350 00	
0443	Petersburg to Rice's Depot.														
0445	Petersburg to City Point.	12	6	37 50	450 00										
0445	Petersburg to Weldon, N. C.	64	1	800 00	19,200 00										do.
0456	Richford to Gaston.	20	7	100 00	2,000 00										do.
0476	Potomac Station to Potomac Station.	30	7	100 00	8,000 00										
0476	Potomac Station to Potomac Station.	30	7	100 00	8,000 00										
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0476	Potomac Station to Potomac Station.	30	7	100 00	8,000 00										
0476	Potomac Station to Potomac Station.	30	7	100 00	8,000 00										
0476	Potomac Station to Potomac Station.	30	7	100 00	8,000 00										

Alexandria to Calisapper court-house, and branch to Warrenton																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
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*Railroad routes in the United States, with pay per annum and per mile for conveying mails—Continued.*

No.	Route.	1851.			1852.			1853.			Remarks.	
		Miles.	Weekly trips.	Pay per mile.	Miles.	Weekly trips.	Pay per mile.	Miles.	Weekly trips.	Offer of department. Pay per an- num.		Demand of railroad companies. Pay per an- num.
GEORGIA—Continued.												
8366	Atlanta to Chattanooga.....				144	6	\$100 00	\$14,000 00	144	\$100 00	\$14,000 00	
8374	Kinston to Rome.....				18 3-5	6	50 00	950 00	18 3-5	50 00	950 00	
8411	Macon to Oglethorpe.....				50	20	50 00	2,500 00	50	50 00	1,100 00	
8424	Miller to Waynesboro.....				21	4	50 00	1,050 00	21	50 00	1,050 00	
8415	Macon to Columbus.....				99	23	50 00	4,950 00	99	100 00	9,900 00	
8442	Milledgeville to Eatonton.....				23	4	50 00	1,150 00	23	50 00	1,150 00	No contract.
	Total.....	670			756			116,959 00	928		134,075 00	
ALABAMA.												
8501	Montgomery to West Point.....	78	7	\$900 00	88 1/2	14	275 00	24,337 50	88 1/2	275 00	24,337 50	
8507	Decatur to Tusculum.....	43	6	45 56	43	6	42 56	1,843 00	43	50 00	2,150 00	
	Total.....	121			131			26,180 50	131		26,487 50	
MISSISSIPPI.												
8704	Jackson to Vicksburg.....	46	4	100 00	46	7	100 00	4,600 00	46	100 00	4,600 00	
8638	Jackson to Brandon.....	13 1/2	7	100 00	13 1/2	7	100 00	1,350 00	13 1/2	100 00	1,350 00	
	Total.....	59 1/2			59 1/2			5,950 00	59 1/2		5,950 00	
LOUISIANA.												
6105	New Orleans to Lafayette.....	2	6	75 00	2	6	75 00	150 00	2	75 00	150 00	
6108	New Orleans to Terre au Bonif.....				16	6	75 75	800 00	16	75 75	800 00	
	Total.....	2			18			150 00	18		450 00	
FLORIDA.												
	Tallahassee to St. Marks.....	23		27 00								

## RECAPITULATION.

State.	1851.			1852.			1853.		
	Miles.	Pay per mile.	Pay per annum.	Miles.	Pay per mile.	Pay per annum.	Miles.	Pay per mile.	Pay per annum.
Maine.....	198	\$77 76	\$15,397 00	198	\$77 76	\$15,397 00	272	\$67 48	\$18,357 00
New Hampshire.....	240	76 00	18,240 00	253	65 20	16,498 00	301	61 18	18,418 00
Vermont.....	416	77 73	32,262 00	409	77 00	31,508 00	544	78 83	42,884 00
Massachusetts.....	1,028	96 21	98,910 00	1,084	93 47	101,320 00	1,105	92 49	102,205 00
Rhode Island.....	94	91 61	8,612 00	94	91 61	8,612 00	94	91 61	8,612 00
Connecticut.....	544	85 25	46,379 00	564	83 75	47,236 00	588	82 63	48,586 00
New York.....	1,496	117 43	175,689 00	1,842	142 68	262,830 00	2,019	150 17	303,209 00
New Jersey.....	217	170 37	36,972 00	281	174 80	49,122 00	341	162 36	55,367 00
Pennsylvania.....	586	98 83	57,915 00	743	95 78	71,165 00	774	139 80	108,196 00
Maryland.....	416	272 71	113,450 00	414	272 22	112,700 00	612	255 71	156,495 00
Ohio.....	556	130 00	72,759 00	813	123 83	100,674 00	1,445	147 13	212,603 00
Indiana.....	159	67 00	10,650 00	346	65 06	22,511 00	357	65 00	23,211 00
Michigan.....	343	100 53	34,482 00	579	128 06	74,150 00	565	120 76	72,750 00
Illinois.....	105	60 41	6,344 00	171	53 59	9,164 00	369	84 95	31,349 00
Kentucky.....	55	27 90	1,535 00	94	94 04	8,840 00	94	94 04	8,840 00
Tennessee.....	327	160 57	52,507 81	134	42 85	5,742 00	263	81 36	21,400 00
Virginia.....	247	189 00	46,700 00	455	161 30	73,393 00	715	118 89	85,007 00
North Carolina.....	328	138 31	45,366 00	249	210 15	52,329 00	249	238 85	59,475 00
South Carolina.....	670	119 96	80,376 00	453	115 06	52,010 71	633	100 80	63,812 00
Georgia.....	23	27 00	620 00	786	148 84	116,988 00	928	144 47	134,075 00
Florida.....	121	144 16	17,443 00	.....	.....	.....	.....	.....	.....
Alabama.....	59½	100 00	5,950 00	131	199 85	26,180 50	131	202 19	26,487 50
Mississippi.....	2	75 00	150 00	59½	100 00	5,950 00	59½	100 00	5,950 00
Louisiana.....	2	75 00	150 00	2	75 00	150 00	18	25 00	450 00
Total.....	8,229½	*118 93	978,708 81	10,153½	*124 54	1,264,471 21	12,476½	*128 86	1,607,738 50

\*Average pay per mile.





## MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*A report of the Attorney General, suggesting modifications in the manner of conducting the legal business of the government.*

APRIL 25, 1854.—Referred to the Committee on Retrenchment, and ordered to be printed.

To the Senate of the United States:

I have the honor to transmit herewith a report of the Attorney General, suggesting modifications in the manner of conducting the legal business of the government, which are respectfully commended to your favorable consideration.

FRANKLIN PIERCE.

WASHINGTON, April 24, 1854.

ATTORNEY GENERAL'S OFFICE,  
March 8, 1854.

SIR: At the expiration of a year's experience in the discharge of my present official duties, and observation of their relation to other branches of federal administration, it seems to me not unseasonable now to lay before you some suggestions of possible improvement in the manner of conducting the legal business of the government.

The Constitution of the United States provides, that "the executive power shall be vested in the President of the United States," who shall be commander-in-chief of the army and navy; who shall, by and with the advice and consent of the Senate, make treaties; who shall nominate and, by and with the advice and consent of the Senate, appoint, remove officers of the United States, military, judicial, diplomatic, or administrative, whose appointments are not otherwise provided for, and which shall be established by law; who shall have a qualified participation in the enactment of laws, and take care that they be faithfully executed; and who shall, from time to time, give to Congress information of the state of the Union.

The President is thus made the responsible depository and chief executionary, for the time being, of the ministerial powers and administrative duties of the United States regarded as a political sovereignty.

But the Constitution does not specify the subordinate, ministerial, or administrative functionaries, by whose agency or counsels the details of

the public business are to be transacted. It recognises the existence of such official agents and advisers in saying, that the President "may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices;" and these officers are again recognised by the constitution in the clause which vests the appointment of certain inferior officers "in the heads of departments;" and it leaves the number and the organization of those departments to be determined by Congress.

In the execution of this duty, the constitutional Congress proceeded, at an early day of its first session, (July 27, 1789,) to establish the Department of Foreign Affairs, with "a principal officer therein," to be called the Secretary for the Department of Foreign Affairs, and to perform and execute such duties respecting foreign affairs as the President should assign to him, and to conduct the business of the department in such manner as the President should, from time to time, order or instruct.

But this act, which was the commencement of the organization of executive departments under the Constitution, and a commencement in the direction of a systematic and proper distribution of duties, gave place, after the lapse of a few months, (September 15, 1789,) to an act, which changed the name of the Department of Foreign Affairs to that of Department of State, though it in no respect changed the duties of the secretary, except to provide that he should receive, keep, and cause to be promulgated, the laws enacted by Congress; and that he should keep the seal of the United States, and affix the same to the commissions of all civil officers of the United States lawfully appointed by the President, whether with or without the advice and consent of the Senate.

In changing the name of this department from Foreign Affairs to that of State, Congress did not change the main duties of the department, consisting then, as now, of the charge of the foreign relations of the government. There is no very obvious connexion between the new name given to the department, and the only important fact which accompanied the change, namely, the commitment of the seal of the United States to the secretary, and the duty of affixing it to the commissions of civil officers. If on this account, as it would seem, the designation of the secretary was changed, certainly the new title had not, according to the received previous use of the term in our mother tongue, any special relation to the new duties, it not being coupled with the custody of the great seal in England, and being applied there to the office of several of the principal secretaries. Probably it was deemed convenient, in that early period, when the public business was little in amount relatively to later times, that the head of the most important of the departments should bear a name indicative of higher, general, and political duty, and so indefinite, that much miscellaneous business might be consigned to his charge, either by act of Congress or by direction of the President.

Next after establishing the Department of Foreign Affairs, Congress at the same session (August 7, 1789) established the Department of War, with a principal officer therein, to be called the Secretary for the Department of War, and required to perform such duties as might from

ne to time be lawfully enjoined on or entrusted to him by the President, relative to military or naval affairs; and to conduct the business of the department in such manner as the President might from time to time order or instruct.

This department was also formed on proper premises of classification, even though including, as it did, the jurisdiction of Indian affairs; and the arrangement of frontier posts, and other considerations, devolved necessarily, at that period, the charge of the Indians on the Secretary of War.

Next came, at the same session, (September 2, 1789,) a Department of the Treasury, (not *the* treasury,) the head of it, however, being called the Secretary of the Treasury, and his general duty being defined to be to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue and the public expenditures; to superintend the collection of the revenue; to grant warrants for money to be issued from the treasury in pursuance of appropriations by law; and to have charge of the sale of the lands belonging to the United States.

In the organization of the business of this department by this act, its peculiarities, as compared with the other two departments, are prominent.

One is, that the Secretary of the Treasury, instead of being made subject only to the direction of the President by name, is required generally to perform all such services, relative to the finances, as he shall be directed to perform; which phraseology is explained by the provision of the act, that he shall "make report and give information on either branch of the legislature, *in person or writing, as he may be required*, respecting all matters referred to him by the Senate or House of Representatives, or (and) which shall appertain to his office."

Another peculiarity of the act is, that whereas, in the others, provision is made for a chief and other clerks only, here, on the other hand, is the commencement of sub-departments, or bureaus, commonly called, in the provision for the appointment of a comptroller, an auditor, a treasurer, and a register, among whom a portion of the business of the department is distributed permanently and upon system.

At the same session of Congress, in organizing the judicial business of the United States, (September 24, 1789,) provision was made for an Attorney General, to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law, when required by the President of the United States, or when requested by the heads of any of the departments, touching any matters which may concern their departments.

By another act of the same session of Congress (September 22, 1789,) the office of Postmaster General was appointed, with an assistant, or clerk and deputies, subject, in performing the duties of his office, and in forming contracts for the transportation of the mail, to the direction of the President, but not in other respects then placed in the same high official relation to the government as at the present time.

Such was the original basis of the executive organization of the

government. The Secretary of State for political and foreign affairs, the Secretary of War for military and naval matters, the Secretary of the Treasury for those of finance, and the Attorney General for legal and judicial ones, were the immediate superior ministerial officers of the President, and his constitutional counsellors during the whole period of the administration of Washington.

We find abundant evidence, both in the public archives and in the printed correspondence and other writings of Washington, that it was the practice in his time for the President not only to call for written opinions of the Attorney General, as at present, and to advise orally or by informal correspondence with him and the three secretaries, but also to require of all these officers written opinions upon critical subjects of executive deliberation, as expressly provided by the Constitution.

Conspicuous illustration and evidence of these facts may be deduced from the extracts given in the text and the notes to Washington's writings. (See e. g., vol. x., p. 321, note; vol. x., p. 546, note.) In one case it will be perceived that the cabinet, so called, consisting of the Secretary of State, Secretary of the Treasury, Secretary of War, and Attorney General, though not in any sense an organized body with legal attributes as such, yet proceeded to act in concert, adopting joint rules, signed by them, as to the political and military questions pending between the United States and France.

By an act of the next Congress, various modifications were made in minor details of the duty of the Secretaries of Treasury and War and of the Attorney General. (May 8, 1792.)

Meanwhile an organization had been effected of all those branches of the public service which are localized in the States, including, among other things, officers of the revenue, deputy postmasters, courts, and ministerial officers of the law, and the survey and sale of the public lands; but no material modification occurred in the great outlines of superior administration, until during the administration of John Adams, when the magnitude of our commerce, and the importance of our maritime relations, induced the government to pay more attention to the military marine, and to establish the Department of the Navy, the chief officer of which to be called the Secretary of the Navy, whose duty it should be to execute such orders as he might receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as to all other matters connected with the naval establishment of the United States. (April 30, 1798.)

Subsequently to this, and in the long period of the administrations of Jefferson, Madison, Monroe, and John Quincy Adams, no change in the general character of the executive departments took place, although all of them underwent more or less modification in details, by the inter-transfer of old, or the creation of new branches of business, and especially the establishment of new bureaus, or the enlargement of old ones, materially affecting the internal organization of the Departments of State, War, Treasury, Navy, and Post Office.

But at the opening of Jackson's administration, the Postmaster General, whose duties and responsibilities had grown with the growth of the country to be of vast importance, was called, as the public interests

required he should be, to the same duties of a cabinet counsellor of the President, which had been discharged theretofore by the four secretaries and the Attorney General.

This fact constitutes the first important alteration in the arrangements of superior administrative duty and accountability which had occurred since 1798, when the Department of the Navy was established.

Perhaps an equally important fact, occurring at the same period, was the decision, by Jackson, in the circumstances attending the removal of Mr. Duane, as Secretary of the Treasury, and the appointment of Mr. Taney, of the question of the responsibility of the heads of departments to the President.

Finally, by an act passed at the close of Mr. Polk's administration, (March 3, 1849,) in order to relieve the Departments of State, War, Treasury, and Navy, of branches of public business, created from time to time, which, attached to those offices originally from considerations of fitness which had ceased to exist, or from the want of any more convenient destination to be given to them, now required to be placed in other hands, a new executive department was organized to be called the Department of the Interior, to the secretary of which was committed the supervision of the Patent Office, the General Land Office, the accounts of officers of the courts of the United States, Indian Affairs, the Pension Office, the Census, Mines, and the Public Buildings.

This act, it should be observed, does not provide in terms that the secretary of the Interior shall be subject to the general direction of the President, as in the case of the Secretaries of State, War, Navy and Postmaster General; nor do the acts appointing the Secretary of the Treasury and the Attorney General. On the other hand, none of the acts, except that establishing the Treasury Department, subject the chief executive officers to the duty of responding to direct calls for information on the part of the two Houses of Congress. This, however, as come, by analogy or by usage, to be considered a part of their official business. And the established sense of the subordination of all of them to the President, has, in like manner, come to exist, partly by instruction of the constitutional duty of the President to take care that the laws be faithfully executed, and his consequent necessary relation to the heads of departments, and partly by deduction from the analogies of statutes.

One other fact, which has been alluded to already, requires more particular attention.

It is the constitutional duty of the President, and of course his right, to recommend legislative measures to Congress, which is in effect the suggestive initiation of laws. By express provision of law, it is made the duty of the Secretary of the Treasury to communicate information to either house of Congress when desired; and it is practically and by legal implication the same with the other secretaries, and with the Postmaster and the Attorney General. But the provision of law, which enacts that the Secretary of the Treasury shall make report and give information to either branch of Congress *in person*, when required, and which, if carried into operation, would in fact confer on the secretary the advantage, though not a member of Congress, yet of expla-

natory discussion both in the Senate and the House Representatives, does not appear to have been at any time practised upon by Congress, either in regard to the Secretary of the Treasury or any other head of department by analogy. But heads of departments have in some cases been called on to make explanations in person to committees of Congress.

It has appeared necessary to take this retrospective survey of the formation of the several executive departments, and of their general relation one to another, as preliminary to an explanation of the manner in which existing laws provide for the superintendence and management of the judicial and legal business of the government.

We have seen that the act establishing the office of Attorney General expressly imposed on him two classes of duty: first, to prosecute all suits in the Supreme Court in which the United States are concerned, and secondly, to give his advice and opinion in questions of law to the President and to the heads of departments.

In the discharge of the second class of the above mentioned duties, the action of the Attorney General is quasi judicial. His opinions officially define the law, in a multitude of cases, where his decision is in practice final and conclusive, not only as respects the action of public officers in administrative matters, who are thus relieved from the responsibility which would otherwise attach to their acts, but also in questions of private right, inasmuch as parties having concerns with the government possess in general no means of bringing a controverted matter before the courts of law, and can obtain a purely legal decision of the controversy, as distinguished from an administrative one, only by reference to the Attorney General.

Accordingly, the opinions of successive Attorneys General, possessed of greater or less amount of legal acumen, acquirement, and experience, have come to constitute a body of legal precedents and exposition, having authority the same in kind, if not the same in degree, with decisions of the courts of justice.

It frequently happens that questions of great importance, submitted to him for determination, are elaborately argued by counsel; and whether it be so or not, he feels, in the performance of this part of his duty, that he is not a counsel giving advice to the government as his client, but a public officer, acting judicially, under all the solemn responsibilities of conscience and of legal obligation.

Although the act requiring this duty of the Attorney General does not expressly declare what effect shall be given to his opinion, yet the general practice of the government has been to follow it, partly for the reason already suggested, that an officer going against it would be subject to the imputation of disregarding the law as officially pronounced, and partly from the great advantage, and almost necessity, of acting according to uniform rules of law in the management of the public business: a result only attainable under the guidance of a single department of assumed special qualifications and official authority.

But the Attorney General is under no obligation to render an award, or determine a question of fact in cases referred to him; nor does an appeal to him lie from another department by any party assuming to be aggrieved by its action, and seeking to have it reviewed; nor is he

to give advice to heads of departments on matters which do not concern their departments, and in which the United States have no interest; or is he authorized to give official opinions in any case not falling within the scope of his duties, so as to connect the government with individual controversies, in which it has no concern and with which it ought not to interfere; nor is he in general to give official opinions to subordinate officers of the government; nor ought he to advise individuals in regard to any question of legal right depending between them and the government.

Some uncertainty has existed upon the point whether it is the duty or the right of the Attorney General to give *mere legal* opinions to the Senate or the House of Representatives, it having been denied in one case by Mr. Wirt. But he, in common with other persons holding the office, recognized by his action in sundry cases, the right of either House of Congress to call on him for information in any matters within the scope of his office, and his duty to communicate the same.

The other duty prescribed by the act of 1789, that of conducting the suits of the United States in the Supreme Court, is, of course, the function of an advocate, subject to the conditions only of the conscientious and honorable discharge of such a function, and with official relation both to the government and the Supreme Court.

The act speaks of the Supreme Court alone, and it is the regular statutory duty of the Attorney General only to conduct in person the causes of the United States there; but the President may undoubtedly, in the performance of his constitutional duty, instruct the Attorney General to give his direct personal attention to legal concerns of the United States elsewhere, when the interests of the government seem to be President to require this. An example of this, having the force of contemporaneous exposition, occurs in the case of the instructions of Washington to the Attorney General in 1792, to attend the circuit court at York, on occasion of certain indictments pending there, "to see that that business be conducted in a manner to which no exception can be taken with propriety, and for the purpose of giving to the measures of government a more solemn and serious aspect." This precedent has been followed in other and later cases, which seemed to call for the special direction of the government.

At successive periods in the history of the government, the Attorney General has been invested with various other powers and duties, some of them special and temporary, and some permanent, some of them purely legal, and some administrative rather than legal, but all of them having apparent relation to the general nature of his office, and which it may be well to briefly indicate.

By an act passed at the second session of the first Constitutional Congress, (April 10, 1790,) the foundations were laid for the system of granting letters patent of exclusive privileges for useful inventions or discoveries, this branch of public business being placed in the joint charge of the Secretaries of State and War and the Attorney General. Subsequently (February 21, 1793) it was committed to the charge, first, of the Secretary of State, then of a bureau created for it, under the immediate authority of a special commissioner, and subject to the



supervision of the Secretary of State, until, as before stated, it was transferred to the new Department of the Interior.

By the act establishing the mint of the United States, it was required that the Chief Justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary of State, and the Attorney General, should constitute a board to inspect the assay of gold and silver for coinage; (April 2, 1792;) but this duty has been transferred since to the district judge and district attorney of eastern Pennsylvania.

That was a duty administrative in its nature; as was that under the provision of law which appointed the Attorney General, together with the Secretary of State and the Postmaster General, a board to prepare forms and schedules for the agricultural, commercial, and other statistical facts to be collected in the taking of the seventh census of the United States, (March 3, 1849.)

In a very early case of commissioners appointed under treaty to adjudicate claims provided for thereby, it was made the duty of the President to appoint a person to act before such commissioners, in behalf of the United States, under the direction of the Attorney General, who was required to counsel such agent, and to attend in person whenever any questions of law or fact to be determined by the commissioners might render his presence necessary; and he was authorized to employ such agents, in the different parts of the United States, as the business before the commissioners should, in his opinion, require, and to be paid for their services at such rate as the President of the United States might order, (June 30, 1797.)

If the same proceeding, or something analogous to it, had been adopted in regard to some later cases of the same character, so as to ensure a contentious investigation of all claims presented, it would have tended greatly to guard the responsibility and facilitate the safe action of the commissioners, and to produce results more satisfactory to the interests of the government.

The Attorney General has himself been called on to act as commissioner to adjudicate claims under treaty, as in the case of the convention of indemnities between the United States and the republic of Peru, (August 8, 1841.)

But the most serious of his incidental duties has been such as require him to take charge of the litigation of land claims arising under cessions of territory made to the United States by France, Spain, or the Mexican republic.

By a series of acts for the adjudication of land claims under the treaties ceding Louisiana and Florida to the United States, it was made the duty of the Attorney General to decide on appeals from the district courts in which the claims were in the first instance litigated; to instruct the district attorney in regard to them, and to appear and prosecute those appeals in the Supreme Court.—(May 26, 1824.)

By the various provisions of law for the adjudication of land claims in California, it is in like manner made his duty to receive and examine the transcripts of cases decided by the commissioners, before whom they are in the first instance to be heard, and determine which of the cases shall be appealed to the district courts and to the Supreme Court of the United States, (March 3, 1851, and August 31, 1852.) This

branch of business, though in some sort temporary in its character, yet involves responsible present relations to, and ultimate management of, a large number of suits of the highest importance and interest, and therefore constitutes one of the most onerous of the present duties of the Attorney General.

Another class of duties of a permanent nature, and of constant recurrence, is the examination which he is required to make of all titles of lands or sites purchased by the United States for the purpose of erecting thereon armories, arsenals, forts, fortifications, navy-yards, custom-houses, light-houses, or other public buildings of any kind whatever; and without his certificate of the validity of the title, no public money can be expended upon any such land or site.—(September 11, 1841.)

In all cases of suspended entries of public lands, the approbation of the Secretary of the Interior and of the Attorney General is necessary to the valid adjudication of the same by the commissioner.—(August 3, 1846, and March 3, 1853.)

Finally, in regard to the great variety of duties appointed for the Solicitor of the Treasury, including the collection of debts due to the government, the disposition of property taken by execution in its behalf, the management of suits in the local courts of the United States, and the instruction of district attorneys and marshals in the premises, (concerning which business more will be said hereafter,) it is made the duty of the Attorney General, at the request of the Solicitor, "to advise with and direct" him in such matters.—(May 29, 1830.)

It remains only to say, in speaking of the legislation of Congress in regard to the office of Attorney General, that his department, in common with the others, has an official seal, and all copies of records authenticated by certificate under this are declared to be evidence equally with the original record or paper; that he, in common with other officers of the same class, appoints the clerks or other persons allowed by law for the service of his office, in virtue of the clause of the Constitution authorizing certain appointments to be vested in the heads of departments; and he exercises all such general powers as are by law vested in them, such, for instance, as the employment of counsel or other legal assistance in behalf of the United States.

Such are the general duties, ordinary and extraordinary, of the office of Attorney General, as expressly set forth by statute, and in addition to implied contingent duties, which, as already intimated, he may be called upon by the President or the Houses of Congress to perform.

On this point, which has been touched already, it may not be amiss to state more fully the constitutional and legal nature of the relation of the President to the heads of department in matters of detail not explicitly provided for by acts of Congress.

We have cursorily seen that the act establishing the Department of State provides that the Secretary shall "perform and execute such duties as shall, from time to time, be enjoined on, or entrusted to him by the President, agreeably to the Constitution, relative to correspondence, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers

from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to said department;" but the act does not say that the President may assign to him, or that he shall perform any duties not relating to the *foreign* affairs of the government. It proceeds further to provide that he shall "*conduct the business of the said department in such manner* as the President of the United States shall from time to time order or instruct;" which provision decides nothing as to what shall be the business of the department.

The act establishing the Department of War in like manner provides, that the secretary shall "perform and execute such duties as shall from time to time be enjoined upon him by the President of the United States, agreeably to the Constitution, relative to military commissions, or to the land or naval forces, ships or warlike stores of the United States, or to such other matters respecting military and naval affairs, as the President of the United States shall assign to said department, or relative to the granting of lands to persons entitled thereto for military services rendered to the United States, or relative to Indian affairs; and furthermore, that the said principal officer shall conduct the business of said department in such manner as the President of the United States shall, from time to time, order or instruct." Here also the statute power of the President to assign business to the department, and to direct in it, is limited to a class of enumerated matters and the *manner* of conducting the business assigned.

In the act of 1789, "for the temporary establishment of the Post Office," it is provided "that the Postmaster General shall be subject to the direction of the President of the United States, in performing the duties of his office;" but that act at length expired by its own limitation, and the subsequent acts giving a more stable form to the Post Office, do not appear to contain any provision as to the directory power of the President, (see acts of February 20, 1792, and March 3, 1825.)

The act establishing the Department of Treasury, requires the secretary "to perform all such services relative to the finance as he shall be directed to perform," but makes no reference, *eo nomine*, to the President.

The act establishing the office of Attorney General is wholly silent on this point.

The act establishing the Department of the Navy is precise in terms, to the effect that the Secretary shall "execute such orders as he shall receive from the President of the United States, relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States." Nothing is said here of any general directory power on the part of the President.

Finally, the act establishing the Department of the Interior is silent on this point.

Now, upon this full exhibition of the statute provisions on the matter, questions arise both as to the substance of the business of the depart-

ments and the manner of conducting it, in regard to the directory power of the President.

It is impossible for Congress to foresee, and circumstantially provide for all the possible future contingencies of executive business, either in respect of the business itself or the manner of conducting it. A necessary discretion must exist in the nature of things somewhere as to all such matters. And that ultimate discretion, when the law does not speak, must reside, as to all executive matters, with the President, who has the power to appoint and remove, and whose duty it is to take care that the laws be faithfully executed. Where the laws define what is to be done by a given head of department, and how he is to do it, there the President's discretion stops; but if the law require an executive act to be performed, without saying how or by whom, it must be for him to supply the direction, in virtue of his powers under the Constitution, he remaining subject always to that, to the analogies of statute, and to the general rules of law and of right. And this view of the question has been followed, uniformly, in the practical administration of the government.

We shall appreciate the value of this conclusion in the sequel, when we come to perceive that great branches of public business are to be found, which are not assigned by statute to any particular department, or as to which there is no provision of statute deciding all questions of the manner of transacting such business.

The Supreme Court have recognized the existence of such a discretion, as being reposed for numerous contingencies, not only in the President in regard to the business of the departments, but in the heads of the departments themselves, by implication of law or as the executive agents of the President. They well say, that to attempt to regulate by law the minute movements of every part of the complicated machinery of administration, would evince complete disregard of the limits of the possible and the impossible. While the great lines of its movements may be marked out, and limitations be thus imposed on the exercise of its powers, there are numberless things to be done, which cannot be anticipated or defined, but are, nevertheless, indispensable to the action of the government. These things must of necessity be left to a wise and judicious discretion. (*United States vs. McDaniel*, vii Peters, 1; *United States vs. Bailey*, ix Peters, 238.)

Question has existed as to the relation of the President and the respective heads of departments to the chiefs of bureaus, and especially the accounting officers of the treasury.

It is not the duty of the President, and in general it is not convenient for him, to entertain appeals from the departments on the various matters of business, and especially the private claims, on which they have occasion from time to time to pass. Though he is to take care that the laws be faithfully executed, still it is physically impossible that he should do everything in person. Therefore, the Constitution and the laws give to him agents, through whose instrumentality the executive business may be transacted. Among these are the heads of departments, and other subordinate officers of the government.

Now, from the fact that the executive agents, primary and secondary, are assigned by law to particular duties, it has been somewhat

hastily inferred, that while it is indubitably true that he may direct the heads of departments, yet he has no authority over the chiefs of bureaus, and especially those in the Department of Treasury. It needed only to carry this course of thought one step further, to say that the heads of departments themselves had no authority over those officers. This step was taken, and the doctrine it involves was, for a time, asserted. If maintained, it would have been the singular condition of a great government, in which the executive power was vested by Constitution in the President, and he had authority over the primary executives officers, but neither he nor they had any authority over the secondary executive officers, and, of course, it would be in the power of the latter to arrest, at any time, all the action of the government.

Such a doctrine was against common sense, which assumes that the superior shall overrule the subordinate, not the latter the former. It was contrary to the settled constitutional theory. That theory, as we shall hereafter see, while it supposes, in all matters not purely ministerial, that executive discretion exists, and that judgment is continually to be exercised, yet requires unity of executive action, and, of course, unity of executive decision; which, by the inexorable necessity of the nature of things, cannot be obtained by means of a plurality of persons wholly independent of one another, without corporate conjunction, and released from subjection to one determining will; and the doctrine is contradicted by a series of expositions of the rule of administrative law by successive Attorneys General.

Thus, in a controverted matter of military allowance, requiring an act of decisive judgment, Mr. Berrien adjudged that the Third Auditor and the Second Comptroller are bound to take the decision of the Secretary of War, who may give it either by previous direction or by subsequent review. (Opinion, December 4, 1829.)

Mr. Taney gave similar advice on a question arising in the same department. (Opinion, September 10, 1831.)

Mr. Butler, Mr. Johnson, and Mr. Crittenden have affirmed the same doctrine. And on a question raised by the refusal of the Commissioner of Customs to take the direction of the Secretary of the Treasury, Mr. Crittenden elaborately reviewed the whole subject, and determined, by unanswerable argument, the right of the Secretary of the Treasury in the given case, and by analogy that of other heads of departments in correspondent cases. (Opinion, November 13, 1852.)

Meanwhile, if an opinion delivered many years ago by Mr. Wirt is now to be received as law, then, although an auditor, as even he admits, is subject to the direction of the Secretary of War, or the Secretary of the Interior, or some other secretary, as the case may be, yet such auditor is wholly above the authority of the President, who, nevertheless, directs the secretary. Had the idea presented itself as a mere question of the *order* of business, to the effect that the President should act upon the subordinate officers through the heads of departments, it might have answered as a matter of convenience, but not one of legal necessity. But the idea utterly excludes the authority of the President, and so, while recognising the authority of the head of department, in effect makes the latter also superior to the President; which is in conflict with universally admitted principles. Such an assumed

nomaly of relation, therefore, as this idea supposes, resting upon mere opinion or exposition, must, of course, yield to better reflection, whenever it comes to be a practical question, demanding the reconsideration of any Attorney General.

Upon the whole, then, heads of departments have a threefold relation, namely: 1. To the President, whose political or confidential ministers they are, to execute his will, or rather to act in his name and by his constitutional authority, in cases in which the President possesses a constitutional or legal discretion. 2. To the law; for where the law has directed them to perform certain acts, and where the rights of individuals are dependent on those acts, then, in such cases, a head of department is an officer of the law, and amenable to the laws for his conduct. (*Marbury vs. Madison*, 1 Cranch, 49-61.) And 3. To Congress, in the conditions contemplated by the Constitution.

This latter relation, that of the departments to Congress, is one of the great elements of responsibility and legality in their action. They are created by law; most of their duties are prescribed by law; Congress may at all times call on them for information or explanation in matters of official duty; and it may, if it see fit, interpose by legislation concerning them, when required by the interests of the government.

Some further explanation may be necessary, in regard to the relation of the departments to law as represented by the courts of justice. I do not speak now of the responsibilities of a head of department in the relation of crime, whether in questions of indictment or of impeachment. That is a matter of course. I speak of the power of the courts to act on the administrative business of the government.

The Constitution in terms vests the legislative power in Congress, the executive power in the President, and the judicial power in the Supreme Court and in such inferior courts as the Congress may, from time to time, ordain and establish. It is perfectly clear that in general, and except at certain points where they necessarily touch one another, such as the participation of the Senate in treaties and appointments, and of the President in acts of legislation, it was intended that the three great departments shall move apart, each in its orbit, (*Marbury vs. Hunter*, 1 Wheaton, 304, 329.) This would not be the case if the courts of law had the power to review and overrule the acts of the executive. Therefore, on the first great occasion in which the relation of the courts of the United States to the executive came up for solemn adjudication, that of *Marbury vs. Madison*, which was an attempt of a person to compel the Secretary of State to deliver to him a commission, the Supreme Court, while asserting the responsibility of a head of department to the law, in the general terms hereinbefore cited, and while discussing at length the legality of the act of the Secretary of State in refusing to deliver the commission, and thus voluntarily deciding *arguendo* questions of which they had confessedly no jurisdiction, were compelled, in conclusion, to say this, and to admit that the Constitution had not constituted them to be an appellate tribunal to review and revise the administrative acts of the President of the United States. The Supreme Court thereupon refused a mandamus, the process prayed for in this case, as they did subsequently in the case of

*McIntire vs. Wood*, which was an application for that process to compel the register of a land office to issue a certificate of purchase, (vii Cranch, 504;) and in the case of *Decatur vs. Paulding*, where a party sought, by the same means, to compel the Secretary of the Navy to pay a pension to the petitioner, (xiv Peters, 497; see also *McClung vs. Silliman*, vi Wheaton, 349.) But the Supreme Court meanwhile had claimed for the courts jurisdiction in the case of *Stokes vs. Kendall*, where parties applied to the court to compel the Postmaster General to make what he conceived to be an illegal payment, and had granted the order on the ground that this was a ministerial act, while the other cases were of executive acts. (*Kendall vs. United States*, xii Peters, 524.) It is not easy for a head of department to extract from these cases any very satisfactory rule of conduct, so as to know which, of many acts which he may be called on to perform, is ministerial and not executive, and the court became, apparently, conscious of this, when the later case of *Decatur vs. Paulding* came before them. There they refused to take an appeal from the Secretary of the Navy on a question of alleged legal right to a money payment, after having sustained an appeal from the Postmaster General on the same precise question, that of alleged legal right to a money payment, and proceeded to restate the limitations of the authority of the courts to act by mandamus on the departments, confining the claim of jurisdiction more precisely to cases in which an act of Congress, lawfully passed, and within the proper powers of Congress, commands a specific act to be done, as, for instance, in the case of *Stokes vs. Kendall*, a definite sum of money to be paid to a party named.

As the law now stands expounded by the Supreme Court, therefore, it is conceded that a head of an executive department of the government, in the administration of the various and important concerns of his office, is continually required to exercise judgment and discretion. He must do this in construing the acts of Congress, under which he is from time to time required to act. If he doubts, he has a right to call on the Attorney General for counsel. In general, his duties are not merely ministerial. The Supreme Court will not entertain an appeal from his decision, nor revise his judgment, in any case where the law authorized him to exercise discretion or judgment. Nor can it by mandamus act directly upon the officer, and guide his judgment or discretion in the matter committed to his care in the ordinary discharge of his official duties. Any such interference would involve a confusion of constitutional powers, and produce nothing but mischief in the business of the government.

The organization of the executive departments of administration implies order, correspondence and combination of parts, classification of duties, in a word, system: otherwise there is waste and loss of power, or conflict of power, either of which is contrary to the public service, in the regard of so much work to be done by such and such persons, and at a given cost of either time or money. Besides which, in a political relation, want of due arrangement of public functionaries and their functions, is want of due responsibility to society and to the law.

Accordingly, it has been the general purpose of Congress, at all

times, both as to the great subdivision of departments, and the arrangement of the duties of each, to classify and to systematize.

This was an exigency of wise public policy, even when the business of the government was little, and the number of its officers comparatively small; and it was, even then, accomplished approximately. But now, when the territorial limits of the Union have spread from the Atlantic to the Pacific ocean, when the vast interests of the people of the Union are co-extensive with the habitable globe, when the progress of wealth, intelligence, and mechanical invention has wonderfully enlarged and complicated the interests of society, when our commerce extends to every land and our ships are abroad on every sea, when the American Union has become a primary power in Christendom, and when the number of persons requisite to work this mighty machine of government has been proportionally augmented, in such a state of things, that exigency of order, which was political wisdom always, has now come to be material necessity.

At such a period of the history of the government, it seems fitting to consider where, if at all, in the conduct of its business, its mechanism can be saved from waste or collision, and its agents subjected to more complete and exact responsibility. And on these premises it is that the present suggestions are made as to the conduct of the law business of the government.

According to the obvious theory of the constitution of the office of Attorney General he has the superior charge of that business. And this theory is carried into practice in the main outlines of the duty of his office, as the following analysis will show.

1. Upon the great questions of law arising in the administration of public affairs, he gives opinion officially, both to the President and to the heads of departments.

2. As one of the confidential political counsellors of the President, it may be supposed that he advises more particularly in regard to the legal incidents of the appointments or other acts of the government.

3. He conducts directly all suits in the Supreme Court in which the United States are concerned.

4. He advises or directs the solicitor as to suits in which the United States are concerned, pending in the inferior courts of the United States.

5. He directs and prosecutes appeals in the great questions of land-title, which involve the proprietorship of all the soil in the successive increments of territory acquired by the United States.

6. He performs occasional duty, from time to time, in the protection of the interests of the United States in matters of adjudication under treaties with foreign powers.

7. He passes upon the title of all interest in lands acquired by the United States, by purchase for any of the local uses of government.

8. He communicates to Congress such information as they require, appertaining to the duties and business of his department.

In all these particulars he is, either directly or indirectly, and by statute, either express or implied, the administrative head, under the President, of the legal business of the government. So far the administrative power, and the correspondent administrative responsibility



exist, and they require modification in details only in order to be completely adapted to the theory of departmental organization.

Among these modifications, it is respectfully submitted, should be provision, either by law or regulation, for a periodical report by the Attorney General to the President, and through him to Congress, of the business of his office, including the official opinions given by him, and any pertinent suggestions regarding the interests of the government.

Then come three important branches of public business, which the President is required, either by the Constitution or laws, to discharge in person or through lawful agents, as to which there is no specific provision by Congress, namely:

1. Suits in which the United States are ultimately concerned, but in which they are not a party of record, or which are not brought in the courts of the United States.

Thus it is that suits, on a foreign alleged grant, against a tenant in possession under patent from the United States, who will be called on to indemnify the tenant if he be evicted, are brought from time to time in the States; but no provision exists for protecting the eventual interests of the United States in such cases by notice to the government; there may be collusion in the suit in the court below, or mismanagement; and even if the case come up to the Supreme Court, it may become known to the Attorney General by accident only, if at all.

Or, suit may be brought by some individual against an officer of the United States for some official act performed by him, and judgment rendered against him for heavy damages, perhaps without due defence, but for which Congress will be required to make indemnity.

Or a suit is brought by some person, or by a State, against an officer of the United States in the alleged possession of a citadel as its commander, or of a custom-house as collector of the revenue, for the purpose of thus obtaining a judgment of ejectment, which, in fact, evicts the United States.

Or conflicts of jurisdiction may arise in the States, involving the whole question of the execution of the laws of the United States, or the domestic or foreign peace of the Union, without the United States being in any sense a party, but in which the political interests of the government as such are above all possible estimation.

These are cases of daily occurrence, and subsisting examples of which, in various forms, do now occupy the attention of the executive; but the legal controversies thus arising have to be conducted by this or that head of department in whose branch of service they may happen respectively to arise, without any adequate and proper provision for their conduct.

The President undoubtedly has power to assign all these cases, as they arise, to the charge of the Attorney General; and it would be fitting that he should do so, provided the correspondent changes in the organization of this office be authorized by Congress.

2. Pardons. Applications are, of course, continually made to the President for the exercise of his constitutional power to grant reprieves and pardons for offences against the United States. Being constitutional, it is a power which Congress cannot take away or impair. It might, however, as it has done in other cases where needed, provide

legal means and legal agents to aid the President in its exercise; in the absence of which he must of necessity exercise a lawful discretion in those respects. The conscientious determination of questions of this class requires, generally, the investigation of proceedings in court, and that of questions of law as well as of evidence, and the conduct of correspondence, in all which the President requires the instrumentality of a public officer. Formerly, this duty was performed by the Secretary of State; of late, it has been assigned to the Attorney General, in whose department, by reason of the nature of the business, it appropriately falls.

3. Commissions of public officers of a judicial character or relation.

No provision of law exists prescribing the department which shall receive the applications and recommendations, conduct the correspondence, and analyse or abstract the documents in this branch of the public service. Formerly it was done by the Secretary of State, but it has no natural connexion with the general duties of his office, and it has been assigned to the Attorney General as a more appropriate agent.

There is need of legislation in this respect to give method and convenience to the public business. When the commencement of organization took place in 1789, it was provided that all civil commissions should issue from the Department of State, and all military (including naval) ones from the Department of War. Thirty years afterwards, it was provided that all commissions of officers employed in levying and collecting the public revenue, shall be made out and recorded at the Treasury Department, and sealed with its seal. As the duties of administration continued to increase, it was found convenient to give an official seal to the other departments, and to make it evidence in law; but no correspondent provision of law was enacted relative to the issue of civil commissions, which remained on the footing of the acts as to the Departments of State and Treasury. A systematic arrangement of things would require, that as in the Departments of State, Treasury, War, and Navy, so in those of the Postmaster General, Interior, and Attorney General, commissions should be sealed, issued, and recorded in the office to which they belong.

One remaining branch of public service is to be considered, in order to dispose of this part of the subject, namely, supervision of the accounts of judicial and legal officers of the government.

When the Home Department was established, the supervisory power previously exercised by the Secretary of the Treasury over the accounts of marshals, clerks, and other officers of the courts of the United States was transferred to the Secretary of the Interior. In this no special fitness appears. The Secretary of the Interior does not superintend the appointment of those officers; he has no power by statute to correspond with or direct them; and in several successive reports to Congress from that department, it has been recommended that the accounts of judicial officers, in common with their appointment, be transferred to the Attorney General.

Finally, if any of these proposed changes be adopted, or whether they be so or not, it is desirable that there should be some provision for the case of temporary vacancy in the office of Attorney General. By

two acts, one of 1792, and another of 1795, provision is made that, in case of the absence from the seat of government or sickness of the Secretary of State, the Secretary of the Treasury, or the Secretary of War, or the death of either, or the temporary vacancy of either office, for not exceeding six months, it shall be lawful for the President to authorize any person, at his discretion, to perform the duties of such office until a successor be appointed, or until such absence or inability by sickness shall cease. (May 8, 1792, and February 13, 1795.) There is also an enactment by which, in case of the death, resignation, or absence of the Postmaster General, all his powers and duties shall devolve, for the time being, on the First Assistant Postmaster General, (July 2, 1836.) No general provision exists for a temporary appointment by the President, either in regard to this or to the Departments of the Navy, Interior, and Attorney General. The existing legislation leads to opposite and contradictory conclusions. It may be said, on the one hand, that the power expressly conferred on the President in three of the departments, may be applied by analogy to the others. On the other hand, it may be said that the express enactment conferring the power on the President in those three cases, and making special peculiar legal provision in regard to a fourth, is the implied exclusion of any power of the President as to the remaining three. Perhaps the truer view of the question is to consider the two statutes as declaratory only, and to assume that the power to make such temporary appointment is a constitutional one. It has been exercised in regard to all the departments. In the most questionable of the cases, that of Attorney General, whose quasi-judicial functions especially would seem to require to stand on legislative authority, proof exists in the files of the department that temporary appointment has been made by the President, as in the case of the departments whose heads are more exclusively executive officers. But a general provision is desirable to remove all doubt on the subject, as well respecting the Attorney General as the other non-enumerated departments.

I submit the propriety, therefore, of some further provision of law as to the arrangement of the legal affairs of the government. The proposed changes do not enlarge the present power of the executive in any respect. But they devolve additional labor on this office by transfer from others: on which account, I beg leave to add a few words of personal explanation.

When the office of Attorney General was created, and for long afterwards, inequality existed between his salary and that of other officers of the same class. The reason why he received less than the others is given by Washington in his letter to Mr. Edmund Randolph, tendering to him the first appointment of Attorney General, in which he says: "The salary of this office appears to have been fixed at what it is from a belief that the station would confer pre-eminence on its possessor, and procure for him a decided preference of professional employment." On this basis things continued until a very late period, the Attorney General receiving less salary than his associates, but being invited, as it were, by the nature of the office, into private professional practice in the courts, for which his near association with the government, united

to the professional qualifications which, from his being appointed to the office, he may be assumed to possess, would serve to give him great advantages. The published correspondence of the eminent statesmen of the first and second generations of our constitutional history, the reports of legal adjudications, the printed opinions of this office, and the documents on file in it, show that it was the received practice of the Attorney General not only to give opinions in private cases, and argue private causes at the seat of government, but also to attend, as a practicing barrister, at the sittings of courts in the States.

The office of Attorney General of the United States has been filled, in past times, by men, who, while eminent in their special profession, have been not less eminent in the career of parliamentary, diplomatic, administrative, or judicial distinction; and many of whom now live, enjoying, by just title, the respect and the confidence of their countrymen. At the bar of the Supreme Court they did honor to their station; and their official opinions are the law which guides the action of the government. Nothing could be more foreign to my purpose than to reflect, in what follows, upon any of those distinguished persons for pursuing a course in office which was not forbidden, but, on the contrary, invited by law, and was justified by official usage, and by the approbation or acquiescence of Washington, Adams, Jefferson, and Madison.

Heretofore, the custom of the Attorney General in this respect did not essentially interfere with his proper official duties, nor prejudicially affect his general relation to the government.

Within the last few years, however, the condition of the country has undergone changes, occasioning a vast augmentation in the amount of administrative business, which heads of department are called upon to perform; and it would not be possible now, as it has been heretofore, for the Attorney General, compatibly with performing well the duties of his office, to be frequently absent from the seat of government, attending to private professional pursuits, nor could he find much leisure to prepare and argue private causes even before the Supreme Court.

It may deserve consideration, whether Congress, in establishing quite recently a common rate of salary for the Attorney General and the other heads of departments, did not have in mind the new state of facts above referred to, and for that cause intend to repeal, by implication, the previous implication of law which prompted a continuance of the private professional pursuits of the Attorney General.

There is one other pertinent consideration. Most of the ordinary doctrines of law, and much of what is political organization, we have derived from the institutions of our mother country. The original theory of the office of Attorney General of the United States, which authorized and prompted him to engage in private professional practice, flowed, perhaps unconsciously, in part from the correspondent usage in Great Britain. But there the Attorney General is not a member of the cabinet, the Lord Chancellor performing the political duties which devolve upon the Attorney General here. And there is reason to doubt whether, at the present day, in the United States, it is expedient that a head of department should, under any circumstances, continue in the practice of law as a profession. Whatever change in the amount of

public business the present greatness and wealth of the country may have produced, they have produced a still greater change in the multitude and the urgency of the private interests which assail the government. No person who has been conversant with public affairs here for the last twenty years can fail, on comparing the state of things at the beginning and the end of that period, to see how striking is the transition in this respect. Formerly, in an age of simpler manners, when the public expenditures were less, the number of places less, the population of the country less, the frequentation of the capital less, the ingenuity of self interests less,—at such a time a secretary, eminent in the legal profession, might, without possibility of reproach or suspicion of evil, take charge of private suits or interests at the seat of government. He may do so now, perhaps; but that is not so clear as it formerly was; and it is not easy to perceive any distinction in this between what befits one or another head of department. Nay, arguments of objection could be suggested, specially applicable in the existing state of society to the Attorney General.

However all these things may be, the actual incumbent of this office, in the magnitude and complication of the public interests with which it is now charged, experiences that its necessary duties are quite sufficient to task to the utmost all the faculties of one man; and he willingly regards those recent acts of Congress, which have at length placed the salary of his office on equal footing with other public offices of the same class as intimation at least that the government has the same precise claim on his services, in time and degree, as on those of the Secretary of State or the Secretary of the Treasury. As the corollary of that principle, he now proposes such modifications in the office as may render it really and effectually, as well as in theory, responsible for the law business of the government.

The same thing in substance was earnestly proposed by Jackson in his first annual message to Congress, (December 8, 1829,) and has been twice recommended to Congress by later Presidents. Whatever reasons of public utility seemed then to require change in this respect, have, in the progress of time, acquired such additional force as to lead me to conviction of the propriety of presenting the subject to your notice, and with your approbation to the notice of Congress.

I have the honor to be, very respectfully, your obedient servant,  
C. CUSHING.

## MESSAGE

FROM

### THE PRESIDENT OF THE UNITED STATES,

RETURNING

*To the Senate the bill entitled "An act making a grant of public lands to the several States for the benefit of indigent insane persons," with a statement of the objections which have required him to withhold from it his approval.*

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MAY 3, 1854.—Read, ordered to lie on the table, and be printed.

MAY 4, 1854.—Ordered that 10,000 additional copies be printed for the use of the Senate.

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#### *To the Senate of the United States:*

The bill, entitled "An act making a grant of public lands to the several States for the benefit of indigent insane persons," which was presented to me on the 27th ultimo, has been maturely considered, and is returned to the Senate, the house in which it originated, with a statement of the objections which have required me to withhold from it my approval.

In the performance of this duty, prescribed by the Constitution, I have been compelled to resist the deep sympathies of my own heart in favor of the humane purpose sought to be accomplished, and to overcome the reluctance with which I dissent from the conclusions of the two houses of Congress, and present my own opinions in opposition to the action of a co-ordinate branch of the government which possesses so fully my confidence and respect.

If, in presenting my objections to this bill, I should say more than strictly belongs to the measure, or is required for the discharge of my official obligation, let it be attributed to a sincere desire to justify my act before those whose good opinion I so highly value, and to that earnestness which springs from my deliberate conviction that a strict adherence to the terms and purposes of the federal compact offers the best, if not the only, security for the preservation of our blessed inheritance of representative liberty.

The bill provides in substance:

First. That ten millions of acres of land be granted to the several States, to be apportioned among them in the compound ratio of the geographical area and representation of said States in the House of Representatives.

Second. That wherever there are public lands in a State, subject to sale at the regular price of private entry, the proportion of said ten millions of acres falling to such State shall be selected from such lands

within it; and that to the States in which there are no such public lands, land scrip shall be issued to the amount of their distributive shares, respectively, said scrip not to be entered by said States, but to be sold by them, and subject to entry by their assignees: *Provided*, That none of it shall be sold at less than one dollar per acre, under penalty of forfeiture of the same to the United States.

Third. That the expenses of the management and superintendence of said lands, and of the moneys received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States.

Fourth. That the gross proceeds of the sales of such lands or land scrip, so granted, shall be invested by the several States in safe stocks, to constitute a perpetual fund, the principal of which shall remain forever undiminished, and the interest to be appropriated to the maintenance of the indigent insane within the several States.

Fifth. That annual returns of lands or scrip sold shall be made by the States to the Secretary of the Interior, and the whole grant be subject to certain conditions and limitations prescribed in the bill, to be assented to by legislative acts of said States.

This bill, therefore, proposes that the federal government shall make provision, to the amount of the value of ten millions of acres of land, for an eleemosynary object within the several States, to be administered by the political authority of the same; and it presents at the threshold the question whether any such act on the part of the federal government is warranted and sanctioned by the Constitution, the provisions and principles of which are to be protected and sustained as a first and paramount duty.

It cannot be questioned, that if Congress have power to make provision for the indigent insane without the limits of this District, it has the same power to provide for the indigent who are not insane, and thus to transfer to the federal government the charge of all the poor in all the States. It has the same power to provide hospitals and other local establishments for the care and cure of every species of human infirmity, and thus to assume all that duty, of either public philanthropy or public necessity, to the dependent, the orphan, the sick, or the needy, which is now discharged by the States themselves, or by corporate institutions, or private endowments, existing under the legislation of the States. The whole field of public beneficence is thrown open to the care and culture of the federal government. Generous impulses no longer encounter the limitations and control of our imperious fundamental law. For, however worthy may be the present object in itself, it is only one of a class. It is not exclusively worthy of benevolent regard. Whatever considerations dictate sympathy for this particular object, apply in like manner, if not in the same degree, to idiocy, to physical disease, to extreme destitution. If Congress may and ought to provide for any one of these objects, it may and ought to provide for them all. And if it be done in this case, what answer shall be given when Congress shall be called upon, as it doubtless will be, to pursue a similar course of legislation in the others? It will obviously be vain to reply that the object is worthy, but that the application has taken a wrong direction. The power will have been deliberately assumed, the general obligation will, by this act, have been acknowledged, and the

question of means and expediency will alone be left for consideration. The decision upon the principle in any one case determines it for the whole class. The question presented, therefore, clearly is upon the constitutionality and propriety of the federal government assuming to enter into a novel and vast field of legislation, namely—that of providing for the care and support of all those, among the people of the United States, who by any form of calamity become fit objects of public philanthropy.

I readily, and, I trust, feelingly acknowledged the duty incumbent on us all, as men and citizens, and as among the highest and holiest of our duties, to provide for those who, in the mysterious order of Providence, are subject to want, and to disease of body or mind; but I cannot find any authority in the Constitution for making the federal government the great almoner of public charity throughout the United States. To do so would, in my judgment, be contrary to the letter and spirit of the Constitution, and subversive of the whole theory upon which the union of these States is founded. And if it were admissible to contemplate the exercise of this power for any object whatever, I cannot avoid the belief that it would in the end be prejudicial, rather than beneficial, in the noble offices of charity to have the charge of them transferred from the States to the federal government. Are we not too prone to forget that the federal Union is the creature of the States, not they of the federal Union? We were the inhabitants of colonies, distinct in local government one from the other, before the revolution. By that revolution, the colonies each became an independent State. They achieved that independence, and secured its recognition by the agency of a consulting body, which, from being an assembly of the ministers of distinct sovereignties, instructed to agree to no form of government which did not leave the domestic concerns of each State to itself, was appropriately denominated a Congress. When having tried the experiment of the confederation, they resolved to change that for the present federal Union, and thus to confer on the federal government more ample authority, they scrupulously measured such of the functions of their cherished sovereignty as they chose to delegate to the general government. With this aim, and to this end, the fathers of the republic framed the Constitution, in and by which the independent and sovereign States united themselves for certain specified objects and purposes, and for those only, leaving all powers not therein set forth as conferred on one or another of the three great departments—the legislative, the executive, and the judicial—indubitably with the States. And when the people of the several States had, in their State conventions, and thus alone, given effect and force to the Constitution, not content that any doubt should in future arise as to the scope and character of this act, they engrafted thereon the explicit declaration that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,” can it be controverted that the great mass of the business of government, that involved in the social relations the internal arrangements of the body politic, the mental and moral culture of men, the development of local resources of wealth, the punishment of crimes in general, the preser-



vation of order, the relief of the needy or otherwise unfortunate members of society, did, in practice, remain with the States; that none of these objects of local concern are by the Constitution expressly or impliedly prohibited to the States; and that none of them are, by any express language of the Constitution, transferred to the United States? Can it be claimed that any of these functions of local administration and legislation are vested in the federal government by any implication? I have never found anything in the Constitution which is susceptible of such a construction. No one of the enumerated powers touches the subject, or has even a remote analogy to it. The powers conferred upon the United States have reference to federal relations, or to the means of accomplishing or executing things of federal relation. So, also, of the same character are the powers taken away from the States by enumeration. In either case, the powers granted, and the powers restricted, were so granted or so restricted only where it was requisite for the maintenance of peace and harmony between the States, or for the purpose of protecting their common interests, and defending their common sovereignty against aggression from abroad or insurrection at home.

I shall not discuss at length the question of power sometimes claimed for the general government under the clause of the eighth section of the Constitution, which gives Congress the power "to lay and collect taxes, duties, imposts, and excises, to pay debts and provide for the common defence and general welfare of the United States," because if it has not already been settled upon sound reason and authority it never will be. I take the received and just construction of that article, as if written to lay and collect taxes, duties, imposts, and excises, *in order* to pay the debts, and *in order* to provide for the common defence and general welfare. It is not a substantive general power to provide for the welfare of the United States, but is a limitation on the grant of power to raise money by taxes, duties, and imposts. If it were otherwise, all the rest of the Constitution, consisting of carefully-enumerated and cautiously-guarded grants of specific powers, would have been useless, if not delusive. It would be impossible, in that view, to escape from the conclusion that these were inserted only to mislead for the present, and, instead of enlightening and defining the pathway of the future, to involve its action in the mazes of doubtful construction. Such a conclusion the character of the men who framed that sacred instrument will never permit us to form. Indeed, to suppose it susceptible of any other construction, would be to consign all the rights of the States, and of the people of the States, to the mere discretion of Congress, and thus to clothe the federal government with authority to control the sovereign States, by which they would have been dwarfed into provinces or departments, and all sovereignty vested in an absolute consolidated central power, against which the spirit of liberty has so often, and in so many countries, struggled in vain. In my judgment, you cannot, by tributes to humanity, make any adequate compensation for the wrong you would inflict, by removing the sources of power and political action from those who are to be thereby affected. If the time shall ever arrive when, for an object appealing however strongly to our sympathies, the dignity of the States shall bow to

the dictation of Congress, by conforming their legislation thereto, when the power, and majesty, and honor, of those who created shall become subordinate to the thing of their creation, I but feebly utter my apprehensions when I express my firm conviction that we shall see "the beginning of the end."

Fortunately, we are not left in doubt as to the purpose of the Constitution, any more than as to its express language; for although the history of its formation, as recorded in the Madison papers, shows that the federal government, in its present form, emerged from the conflict of opposing influences, which have continued to divide statesmen from that day to this, yet the rule of clearly defined powers and of strict construction presided over the actual conclusion and subsequent adoption of the Constitution. President Madison, in the "Federalist," says: "The powers delegated by the proposed Constitution are few and defined. Those which are to remain in the State governments are numerous and indefinite." "Its [the general government's] jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects."

In the same spirit, President Jefferson invokes "the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies." And President Jackson said that our true strength and wisdom are not promoted by invasions of the rights and powers of the several States, but that, on the contrary, they consist, "not in binding the States more closely to the centre, but in leaving each more unobstructed in its proper orbit."

The framers of the Constitution, in refusing to confer on the federal government any jurisdiction over these purely local objects, in my judgment, manifested a wise forecast and broad comprehension of the true interests of these objects themselves. It is clear that public charities within the States can be efficiently administered only by their authority. The bill before me concedes this, for it does not commit the funds it provides to the administration of any other authority.

I cannot but repeat what I have before expressed, that if the several States—many of which have already laid the foundation of munificent establishments of local beneficence, and nearly all of which are proceeding to establish them—shall be led to suppose, as should this bill become a law they will be, that Congress is to make provision for such objects, the fountains of charity will be dried up at home; and the several States, instead of bestowing their own means on the social wants of their own people, may themselves, through the strong temptation which appeals to States as to individuals, become humble suppliants for the bounty of the federal government, reversing their true relations to this Union.

Having stated my views of the limitation of the powers conferred by the eighth section of the first article of the Constitution, I deem it proper to call attention to the third section of the fourth article, and to the provisions of the sixth article, bearing directly upon the question under consideration, which, instead of aiding the claim to power exercised in this case, tend, it is believed, strongly to illustrate and explain positions which, even without such support, I cannot regard as ques-

tionable. The third section of the fourth article of the Constitution is in the following terms: "The Congress shall have power to *dispose* of and make all needful rules and regulations respecting the Territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State." The sixth article is as follows, to wit, that "all debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the confederation." For a correct understanding of the terms used in the third section of the fourth article, above quoted, reference should be had to the history of the times in which the Constitution was formed and adopted. It was decided upon, in convention, on the 17th September, 1787, and by it Congress was empowered "to dispose of," &c., "the territory or other property belonging to the United States." The only territory then belonging to the United States was that then recently ceded by the several States, to wit, by New York in 1781, by Virginia in 1784, by Massachusetts in 1785, and by South Carolina in August, 1787, only the month before the formation of the Constitution. The cession from Virginia contained the following provision: "That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said States, Virginia included, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide disposed of* for that purpose, and for no other use or purpose whatsoever." Here the object for which these lands are to be disposed of is clearly set forth, and the power to dispose of them granted by the third section of the fourth article of the Constitution clearly contemplates such disposition only. If such be the fact, and in my mind there can be no doubt of it, then you have again not only no implication in favor of the contemplated grant, but the strongest authority against it. Furthermore, this bill is in violation of the faith of the government, pledged in the act of January 28, 1847. The nineteenth section of that act declares: "That for the payment of the stock, which may be created under the provisions of this act, the sales of the public lands are hereby pledged; and it is hereby made the duty of the Secretary of the Treasury to use and apply all moneys which may be received into the Treasury for the sales of the public lands, after the first day of January, 1848, first, to pay the interest on all stocks issued by virtue of this act; and secondly, to use the balance of said receipts, after paying the interest aforesaid, in the purchase of said stocks at their market value," &c. The debts then contracted have not been liquidated, and the language of this section, and the obligations of the United States under it, are too plain to need comment.

I have been unable to discover any distinction, on constitutional grounds, or grounds of expediency, between an appropriation of ten ~~and~~ "rectly from the money in the treasury, for the object

contemplated, and the appropriation of lands presented for my sanction; and yet I cannot doubt, that if the bill proposed ten millions of dollars from the treasury of the United States, for the support of the indigent insane in the several States, that the constitutional question involved in the act would have attracted forcibly the attention of Congress.

I respectfully submit that, in a constitutional point of view, it is wholly immaterial whether the appropriation be in money or in land.

The public domain is the common property of the Union, just as much as the surplus proceeds of that, and of duties on imports, remaining unexpended in the treasury. As such, it has been pledged, is now pledged, and may need to be so pledged again for public indebtedness.

As property it is distinguished from actual money chiefly in this respect, that its profitable management sometimes requires that portions of it be appropriated to local objects in the States wherein it may happen to lie, as would be done by any prudent proprietor to enhance the sale-value of his private domain.

All such grants of land are, in fact, a disposal of it for value received, but they afford no precedent or constitutional reason for giving away the public lands. Still less do they give sanction to appropriations for objects which have not been entrusted to the federal government, and therefore belong exclusively to the States.

To assume that the public lands are applicable to ordinary State objects, whether of public structures, police, charity, or expenses of State administration, would be to disregard, to the amount of the value of the public lands, all the limitations of the Constitution, and confound to that extent all distinctions between the rights and powers of the States and those of the United States. For if the public lands may be applied to the support of the poor, whether sane or insane; if the disposal of them and their proceeds be not subject to the ordinary limitations of the Constitution, then Congress possesses unqualified power to provide for expenditures in the States by means of the public lands, even to the degree of defraying the salaries of governors, judges, and all other expenses of the government and internal administration within the several States.

The conclusion, from the general survey of the whole subject, is to my mind irresistible, and closes the question both of right and of expediency, so far as regards the principle of the appropriation proposed in this bill. Would not the admission of such power in Congress, to dispose of the public domain, work the practical abrogation of some of the most important provisions of the Constitution?

If the systematic reservation of a definite portion of the public lands, (the sixteenth sections,) in the States, for the purposes of education, and occasional grants for similar purposes, be cited as contradicting these conclusions, the answer, as it appears to me, is obvious and satisfactory. Such reservations and grants, besides being a part of the conditions on which the proprietary right of the United States is maintained along with the eminent domain of a particular State, and by which the public land remains free from taxation in the State in which it lies, as long as it remains the property of the United States, are the acts of a

mere land-owner disposing of a small share of his property in a way to augment the value of the residue, and in this mode to encourage the early occupation of it by the industrious and intelligent pioneer.

The great example of apparent donation of lands to the States, likely to be relied upon as sustaining the principles of this bill, is the relinquishment of swamp lands to the States in which they are situated; but this also, like other grants already referred to, was based expressly upon grounds clearly distinguishable in principle from any which can be assumed for the bill herewith returned, viz., upon the interest and duty of the proprietor. They were charged, and not without reason, to be a nuisance to the inhabitants of the surrounding country. The measure was predicated, not only upon the ground of the disease inflicted upon the people of the States, which the United States could not justify as a just and honest proprietor, but also upon an express limitation of the application of the proceeds, in the first instance, to purposes of levees and drains, thus protecting the health of the inhabitants, and, at the same time, enhancing the value of the remaining lands belonging to the general government.

It is not to be denied that Congress, while administering the public lands as a proprietor within the principle distinctly announced in my annual message, may sometimes have failed to distinguish accurately between objects which are and which are not within its constitutional powers.

After the most careful examination, I find but two examples in the acts of Congress which furnish any precedent for the present bill; and those examples will, in my opinion, serve rather as a warning, than as an inducement to tread in the same path.

The first is the act of March 3d, 1819, granting a township of land to the Connecticut asylum for the education of the deaf and dumb; the second that of April 5, 1826, making a similar grant of land to the Kentucky asylum for teaching the deaf and dumb—the first, more than thirty years after the adoption of the Constitution, and the second, more than a quarter of a century ago. These acts were unimportant as to the amount appropriated, and, so far as I can ascertain, were passed on two grounds: first, that the object was a charitable one; and, secondly, that it was national. To say that it was a charitable object, is only to say that it was an object of expenditure proper for the competent authority; but it no more tended to show that it was a proper object of expenditure by the United States, than is any other purely local object appealing to the best sympathies of the human heart in any of the States. And the suggestion that a school for the mental culture of the deaf and dumb in Connecticut, or Kentucky, is a national object, only shows how loosely this expression has been used, when the purpose was to procure appropriations by Congress. It is not perceived how a school of this character is otherwise national than is any establishment of religious or moral instruction. All the pursuits of industry, everything which promotes the material or intellectual well-being of the race, every ear of corn or boll of cotton which grows is national in the same sense, for each one of these things goes to swell the aggregate of national prosperity and happiness of the United States; but it confounds all meaning of language to say that

these things are "national" as equivalent to "federal," so as to come within any of the classes of appropriation for which Congress is authorized by the Constitution to legislate.

It is a marked point of the history of the Constitution, that when it was proposed to empower Congress to establish a university, the proposition was confined to the district intended for the future seat of government of the United States, and that even that proposed clause was omitted in consideration of the exclusive powers conferred on Congress to legislate for that district. Could a more decisive indication of the true construction and the spirit of the Constitution, in regard to all matters of this nature, have been given? It proves that such objects were considered by the convention as appertaining to local legislation only, that they were not comprehended, either expressly or by implication, in the grant of general power to Congress, and that consequently they remained with the several States.

The general result at which I have arrived, is the necessary consequence of those views of the relative rights, powers, and duties of the States and of the federal government, which I have long entertained, and often expressed, and in reference to which my convictions do but increase in force with time and experience.

I have thus discharged the unwelcome duty of respectfully stating my objections to this bill, with which I cheerfully submit the whole subject to the wisdom of Congress.

**FRANKLIN PIERCE.**

**WASHINGTON, May 3, 1854.**



REPORT  
OF  
THE SECRETARY OF THE TREASURY,

IN ANSWER

*To a resolution of the Senate calling for the amount expended for the transportation of troops, supplies, and munitions for the land and naval forces in the Pacific; also, for the transportation of the mails for the last three years.*

MARCH 27, 1854.—Referred to the Committee on the Post Office and Post Roads.

MAY 4, 1854.—Ordered to be printed.

TREASURY DEPARTMENT, *March 25, 1854.*

SIR: In obedience to the resolution of the Senate of the 27th ultimo, directing "the Secretary of the Treasury to inform the Senate what amount has been paid for the transportation of troops, supplies, and munitions for the land and naval forces in the Pacific ocean; also, what has been paid for the transportation of mails, including the transportation by sea and across the isthmus, for way agents, agents at Chagres and Panama; and what amount, if any, has been paid to the contractor in the line by way of Vera Cruz and Acapulco, for the last three years, designating the amount for each year," I have the honor to submit herewith the reports of the several accounting officers charged by law with the adjustment of such accounts, as follows:

Payments shown by the accompanying report of the Auditor for the Post Office Department, marked A.	\$234,978 00
Payments shown by the two reports from the Fourth Auditor, marked B and C.....	1,777,879 93
Payments shown by the report of the Third Auditor, marked D.....	2,673,449 26
	<hr/>
	4,686,307 19

Very respectfully, your obedient servant,

JAMES GUTHRIE,

*Secretary of the Treasury.*

Hon. D. R. ATCHISON,  
*President of the Senate.*

AUDITOR'S OFFICE, POST OFFICE DEPARTMENT,  
*March 1, 1854.*

SIR: In reply to the inquiries in your communication of the 28th



ultimo, I have the honor to state, that all the information in my possession will appear by the enclosed statement.

There has never been any resident agent of the Post Office Department at Chagres, (Aspinwall,) and consequently nothing has been paid.

There is no line to the Pacific by Vera Cruz and Acapulco. There is a contract, however, between the United States and E. H. Carmick for the transportation of the mail between New Orleans and Vera Cruz. Under this contract, the sum of \$17,050 was paid in October last for eleven trips on this route, between February and the close of September, 1853.

Very respectfully, your obedient servant,

WM. F. PHILLIPS, *Auditor.*

Hon. JAMES GUTHRIE,

*Secretary of the Treasury, Washington, D. C.*

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A.

*Statement of the cost of way agents (government mail agents) on the line between New York and San Francisco, for the three years ending June 30, 1853, including their salaries, per diem, &c.*

Year ending June 30, 1851.....	\$12,453 00
Do.....1852.....	11,406 00
Do.....1853.....	8,779 00
	<hr/>
	32,638 00

Resident Post Office agent at Panama, at \$1,000 per annum .....	<hr/>
	3,000 00

*Cost of mail transportation on isthmus—Panama Railroad Company.*

For year ending June 30, 1851.....	\$48,937 00
Do.....1852.....	48,039 00
Do.....1853.....	85,314 00
	<hr/>
	182,290 00

Amount paid on route from New Orleans to Vera Cruz, (11 trips,) between February and September, 1853..	<hr/>
	17,050 00

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TREASURY DEPARTMENT,  
*Fourth Auditor's Office, March 2, 1854.*

SIR: I have the honor to transmit, in compliance with the direction contained in your letter of the 28th ultimo, "a statement of payments made for the transportation of supplies and munitions for the naval

forces in the Pacific ocean, for the last three fiscal years, viz: to 30th of June, 1851, 30th of June, 1852, and 30th of June, 1853."

I have the honor to be, sir, very respectfully, your obedient servant,  
A. O. DAYTON.

To the Hon. JAMES GUTHRIE,  
*Secretary of the Treasury.*

## B.

*Statement of the payments which have been made for the transportation of supplies and munitions for the naval forces in the Pacific ocean, for the last three fiscal years, viz: to 30th of June, 1851, 30th of June, 1852, and 30th of June, 1853.*

Dates.	By whom paid.	Amount.	Total.
July 30, 1850	Acting navy agent at San Francisco.....	\$7,466 66	.....
Oct. 5, 1850	....do.....do.....do.....do.....	6,000 00	.....
Nov. 15, 1850	....do.....do.....do.....do.....	2,600 00	.....
Dec. 31, 1850	....do.....do.....do.....do.....	200 31	.....
	Total for fiscal year ending June 30, 1851.....		\$16,266 97
Jan. 8, 1851	Acting navy agent at San Francisco.....	70 00	.....
Nov. 29, 1851	Navy agent at New York .....	1,086 75	.....
	Total for fiscal year ending June 30, 1852.....		1,156 75
1852.....	.....		.....
1853.....	No payments made for the fiscal year ending June 30, 1853. ....		.....
			17,423 72

A. O. DAYTON.

TREASURY DEPARTMENT,  
*Fourth Auditor's Office, March 2, 1854.*

TREASURY DEPARTMENT,  
*Fourth Auditor's Office, March 6, 1854.*

SIR: In obedience to the call made upon this office, in your letter of the 3d instant, I have the honor to transmit a statement showing the payments made for the transportation of the United States mails, in mail steamers, from New York to the isthmus of Panama, and from that isthmus to California and Oregon, during the fiscal years ending on the 30th of June, 1851, the 30th of June, 1852, and the 30th of June, 1853.

I have the honor to be, sir, very respectfully, your obedient servant,  
A. O. DAYTON.

To the Hon. JAMES GUTHRIE,  
*Secretary of the Treasury.*

## C.

*Statement of the payments made for the transportation of the United States mails, in mail steamers, from New York to the isthmus of Panama, and from that isthmus to California and Oregon, during the fiscal years ending June 30, 1851, June 30, 1852, and June 30, 1853.*

Date of payment.	To whom paid.	Amount.	Total.
Oct. 8, 1850	W. H. Aspinwall and associates.....	\$45,604 17	.....
Jan. 14, 1851	.....do.....do.....	45,604 17	.....
April 26, 1851	.....do.....do.....	43,334 28	.....
May 14, 1851	.....do.....do.....	65,127 75	.....
June 27, 1851	.....do.....do.....	2,138 57	.....
July 28, 1851	.....do.....do.....	76,833 99	.....
Oct. 1, 1851	.....do.....do.....	10,425 43	.....
Jan. 26, 1852	.....do.....do.....	23,547 08	.....
Nov. 3, 1852	.....do.....do.....	1,052 00	.....
Oct. 22, 1850	George Law and associates.....	67,968 00	.....
Mar. 7, 1851	.....do.....do.....	72,500 00	.....
April 18, 1851	.....do.....do.....	70,147 90	.....
July 12, 1851	.....do.....do.....	72,500 00	.....
For the fiscal year ending June 30, 1851.....			\$596,783 34
Oct. 1, 1851	W. H. Aspinwall and associates.....	67,162 50	.....
Jan. 9, 1852	.....do.....do.....	86,762 50	.....
April 3, 1852	.....do.....do.....	80,179 02	.....
July 3, 1852	.....do.....do.....	86,736 89	.....
July 6, 1853	.....do.....do.....	301 25	.....
Oct. 8, 1851	George Law and associates.....	64,500 00	.....
Jan. 28, 1852	.....do.....do.....	72,000 00	.....
April 10, 1852	.....do.....do.....	58,229 74	.....
July 19, 1852	.....do.....do.....	73,666 44	.....
For the fiscal year ending June 30, 1852.....			589,538 34
Oct. 1, 1852	W. H. Aspinwall and associates.....	65,291 25	.....
Jan. 6, 1853	.....do.....do.....	87,062 50	.....
April 6, 1853	.....do.....do.....	79,208 28	.....
July 5, 1853	.....do.....do.....	87,062 50	.....
Oct. 21, 1852	George Law and associates.....	43,500 00	.....
Feb. 12, 1853	.....do.....do.....	68,025 00	.....
April 6, 1853	.....do.....do.....	72,235 00	.....
July 7, 1853	.....do.....do.....	71,750 00	.....
For the fiscal year ending June 30, 1853.....			574,134 53

A. O. DAYTON.

TREASURY DEPARTMENT,  
Fourth Auditor's Office, March 6, 1854.

TREASURY DEPARTMENT,  
*Third Auditor's Office, March 22, 1854.*

SIR: I have the honor to enclose herewith the information asked for by your letter of the 28th of February, relative to the cost of transporting troops, supplies, &c., for the army on the Pacific, in Texas, New Mexico, and Utah, so far as the same appears from the accounts of officers disbursing in the quartermaster's department. It will be perceived by the enclosed statement that the cost of transportation of officers, as well as of troops, supplies, &c., have been kept separate, presuming it might better suit the purpose for which it is intended.

I would here state, that Fort Leavenworth, being on the route to Sante Fé, large quantities of supplies were shipped from St. Louis to that post without stating their ultimate destination. Believing them to have been forwarded to New Mexico, the cost of their transportation is included in the amount herewith furnished.

Very respectfully, your obedient servant,

F. BURT, *Third Auditor.*

Hon. JAMES GUTHRIE,  
*Secretary of the Treasury.*

D.

*Statement showing the amount paid for transporting troops, supplies, &c., including the cost of officers' transportation to and from California, Oregon, Texas, New Mexico, and Utah, for the three fiscal years commencing the 1st of July, 1850, and ending the 30th of June, 1853, so far as the same appears from the accounts of officers disbursing in the quartermaster's department, on file in this office: prepared in compliance with instructions of the Secretary of the Treasury of the 28th of February, 1854.*

Transportation of troops, supplies, &c., to California and Oregon .....	\$429,037 47
Officers' transportation to California and Oregon....	34,729 15
Transportation of troops, supplies, &c., from California and Oregon.....	12,085 96
Officers' transportation from California and Oregon..	26,730 43
Transportation of troops, supplies, &c., to Texas, New Mexico, and Utah .....	2,143,925 87
Officers' transportation to Texas, New Mexico, and Utah .....	10,033 26
Transportation of troops, supplies, &c., from Texas, New Mexico, and Utah .....	8,987 84
Officers' transportation from Texas, New Mexico, and Utah .....	7,919 28
	7,919 28

## RECAPITULATION.

	Amount.	Total.
Transportation of troops, supplies, &c., to California and Oregon.....	\$429,037 47	.....
Officers' transportation to California and Oregon.....	34,729 15	.....
		\$463,766 62
Transportation of troops, supplies, &c., from California and Oregon.....	12,085 96	.....
Officers' transportation from California and Oregon.....	26,730 43	.....
		38,816 39
Transportation of troops, supplies, &c., to Texas, New Mexico, and Utah.....	2,143,925 87	.....
Officers' transportation to Texas, New Mexico, and Utah...	10,033 26	.....
		2,153,959 13
Transportation of troops, supplies, &c., from Texas, New Mexico, and Utah.....	8,987 84	.....
Officers' transportation from Texas, New Mexico, and Utah.	7,919 28	.....
		16,907 12
Total.....		2,673,449 26

TREASURY DEPARTMENT,  
Third Auditor's Office, March 22, 1854.

F. BURT, *Third Auditor.*





MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

RELATIVE TO

*The expediency of further measures for the safety, health, and comfort of immigrants to the United States by sea.*

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MAY 4, 1854.—Referred to the Select Committee on the subject.

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*To the Senate and House of Representatives :*

I transmit to Congress a copy of a correspondence between the Secretary of State and her Britannic Majesty's minister accredited to this government, and between the Secretary of State and the Secretary of the Treasury, relative to the expediency of further measures for the safety, health, and comfort of immigrants to the United States by sea. As it is probable that further legislation may be necessary for the purpose of securing those desirable objects, I commend the subject to the consideration of Congress.

FRANKLIN PIERCE

WASHINGTON, April 27, 1854.

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*Mr. Crampton to Mr. Marcy.*

WASHINGTON, February 11, 1854.

SIR: I have the honor to enclose an extract of a report which has been made to the office of her Majesty's Secretary of State for the colonies by the emigration commissioners, relative to the expediency of endeavoring to obtain the co-operation of the government of the United States in an arrangement for correctly ascertaining the state of health of emigrants during their voyage from Great Britain to America, and I have been instructed to bring this subject under the consideration of the American government.

I would, consequently, beg to inquire of you, sir, whether any assist-



ance can be rendered in this matter to the British commissioners by the officers of the United States government.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY,  
*Secretary of State.*

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*Extract of a letter from the colonial land and emigration commissioners to Herman Merival, Esq., dated December 23, 1863.*

"We would beg to submit to the Duke of Newcastle the importance of our obtaining as much statistical information as can be procured in respect to the healthiness of passages from this country to the United States. This is particularly the case at present, when the accounts which appear in the newspapers would indicate unexampled mortality on board passenger ships proceeding to the United States, from (it is presumed) cholera.

"By the 13th section of the passengers act, masters of passenger vessels are required to deliver, on their arrival at their destination, to the customs officer in her Majesty's dominions, and to her Majesty's consul in foreign ports, the passenger list taken with them from the port of embarkation.

"When this list can be compared with the persons who arrive, as in the British colonies, there is no difficulty in ascertaining the deaths on the voyage, but it is obvious that in foreign ports this cannot be done without the aid of the local authorities, and consequently that the delivery of the lists is fruitless. We think it possible, however, that if application were made in the proper quarter, the authorities of the ports in the United States at which emigrants arrive, of which the principal are New York, Boston, Philadelphia, and New Orleans, might be disposed to lend their assistance to the British consul to obtain the information desired, and especially if they were informed that the object was to ascertain what regulations could be enforced to diminish the sickness which has recently prevailed to so alarming an extent. We do not venture to suggest in what manner this might be best effected, but we have thought it our duty to bring this matter under his Grace's consideration, in case he should think it worth while to take any steps respecting it."

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*Mr. Marcy to Mr. Guthrie.*

DEPARTMENT OF STATE,  
*Washington, February 17, 1864.*

SIR: I have the honor to transmit to you herewith the copy of a communication, dated the 11th instant, from Mr. Crampton, relative to

the co-operation of this government with that of her Britannic Majesty in an arrangement for correctly ascertaining the state of health of emigrants during their voyage from Great Britain to America; and will thank you to inform me how far, if at all, the assistance of the custom-house authorities of the United States can be counted upon in this matter.

I have the honor to be, very respectfully, sir, your obedient servant,  
W. L. MARCY.

Hon. JAMES GUTHRIE,  
*Secretary of the Treasury.*

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*Mr. Marcy to Mr. Crampton.*

DEPARTMENT OF STATE,  
*Washington, February 25, 1854.*

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, relative to the co-operation of this government with that of her Britannic Majesty in an arrangement for correctly ascertaining the state of health of emigrants during their voyage from Great Britain to America.

The subject having been referred to the Secretary of the Treasury, with a view to ascertain how far, if at all, the custom-house authorities of the United States could be made to promote the object contemplated, I have now the honor to transmit to you a copy of that officer's reply, from which it will be seen that he views the matter favorably, and is disposed to meet the wishes of your government in that respect as far as in him lies.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

W. L. MARCY

JOHN F. CRAMPTON, Esq.,  
&c., &c., &c.

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*Mr. Guthrie to Mr. Marcy.*

TREASURY DEPARTMENT,  
*February 20, 1854.*

SIR: I have the honor to acknowledge the receipt of your communication of the 17th instant, enclosing a letter to yourself from the British minister, in regard to the co-operation of the government of the United States with that of her Britannic Majesty in an arrangement for correctly ascertaining the health of emigrants during their voyage from Great Britain to the United States.

I beg leave to communicate herewith, for the information of Mr. Crampton, a copy of the fourth section of the act of 2d March, 1819, entitled "An act regulating passenger ships and vessels"—the only provision of our laws which seems to have a direct bearing on the

subject—and have to state that I will, if Mr. Crampton desires it, instruct collectors of the customs, at such ports as he may indicate, to furnish to the British consuls copies of the lists or manifests of passengers therein directed to be produced. I suppose this course may not effect the object proposed; but if Mr. Crampton can suggest specifically any other step conducive to it, I will, with great pleasure, adopt it, so far as I may have the legal power to do so.

I am, sir, very respectfully, your obedient servant,  
**JAMES GUTHRIE,**  
*Secretary of the Treasury.*

HON. WM. L. MARCY,  
*Secretary of State.*

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*Act of March 2, 1819.*

AN ACT regulating passenger ships and vessels.

“SECTION 4. That the captain or master of any ship or vessel arriving in the United States, or any of the territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and, if there be no cargo, then at the time of making report or entry of the ship or vessel, pursuant to the existing laws of the United States, shall also deliver and report to the collector of the district in which such ship or vessel shall arrive, a list or manifest of all the passengers taken on board of the said ship or vessel at any foreign port or place; in which list or manifest it shall be the duty of the said master to designate particularly the age, sex, and occupation of the said passengers respectively, the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth, whether any, and what number, have died on the voyage; which report and manifest shall be sworn to by the said master, in the same manner as is directed by the existing laws of the United States in relation to the manifest of the cargo, and that the refusal or neglect of the master aforesaid to comply with the provisions of this section, shall incur the same penalties, disabilities, and forfeitures, as are at present provided for a refusal or neglect to report and deliver a manifest of the cargo aforesaid.”

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*Mr. Crampton to Mr. Marcy.*

WASHINGTON, April 17, 1854.

SIR: With reference to the note which I had the honor to address to you on the 11th of February last, relative to the co-operation of the government of the United States with that of her Britannic Majesty, in an arrangement for correctly ascertaining the state of health of emigrants during their voyage from Great Britain to America, and to your reply to me of the 25th of the same month, I am now instructed by the Earl of Clarendon to state to you that her Majesty's government

acknowledge with pleasure the attention paid to this important subject by the government of the United States, and the stringent legislation that has been the result, and to express the satisfaction with which her Majesty's government have learnt that Congress, upon the application of the State of New York, is again likely to occupy itself with this question, which is one in which her Majesty's government necessarily take the greatest interest.

With reference to this subject, in case you should think proper to lay it before the committee of Congress, I have the honor to transmit, in duplicate, a copy of the British "Passengers Act," and to assure you, at the same time, of the readiness of her Majesty's government to co-operate with that of the United States in this work of humanity and justice towards a class of persons standing in peculiar need of protection.

I am likewise instructed specially to convey the acknowledgments of her Majesty's government for the friendly offer of the Secretary of the Treasury to afford all the assistance in his power in aid of the measures, which her Majesty's government are desirous of adopting, for securing the health and comfort of the emigrants during their passage across the Atlantic.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY, &c., &c., &c.

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•CAP. XLIV.

*An act to amend and consolidate the laws relating to the carriage of passengers by sea. [June 30, 1852.]*

Whereas it is expedient to amend and consolidate, and for that purpose to repeal, the existing laws relating to the carriage of passengers by sea: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. On the first day of October next, when this act shall commence and come into force, "The Passengers Act, 1849," and an act of the fourteenth year of the reign of her present Majesty, chapter one, intituled *An act to amend the passengers act, 1849*, shall be repealed, except so far as either of the said acts repeals any former act or enactment; and except so far as may be necessary for supporting or continuing any proceeding heretofore taken or hereafter to be taken upon any bond given under either of the said acts, or upon any other civil process; and except as to the recovery and application of any penalty for any offence committed against either of the said acts before the commencement of this act; and except also as to an order in council made by her Majesty, with the advice of her privy council, on the sixth day of October, one thousand eight hundred and forty-nine, in pursuance of the powers given by the thirty-ninth section of "the passengers act, 1849," which

said order in council shall remain in force until altered or revoked by any order in council to be made under the provisions of this act.

II. In citing this act in other acts of Parliament, or in any instrument, document, or proceeding, it shall be sufficient to use the expression, "the passengers act, 1852;" and in any process for enforcing the remedies or penalties given or imposed by this act, it shall be sufficient, without specifying more particularly the cause of complaint or offence, to refer by number, according to the copies of the act printed by the Queen's printer, to the section or sections under which the proceeding is taken.

III. For the purposes of this act, the following terms, whenever they occur, shall respectively have the following significations: (that is to say,) the term "United Kingdom" shall signify *Great Britain and Ireland*, and the islands of *Guernsey, Jersey, Alderney, Sark, Scilly, and Man*; the term "*North America*" shall signify and include the *Bermudas*, and all ports and places on the eastern coast of the continent of *North America*, or in the islands adjacent or near thereto, or in the *Gulf of Mexico*, north of the tropic of Cancer; the term "*West Indies*" shall signify the *West India* islands, the *Bahamas, British Guiana, and Honduras*; the term "governor" shall signify the person who for the time being shall be lawfully administering the government of any British colony in which he may be acting; the term "statute adult" shall signify a passenger of the age of fourteen years or upwards, or two passengers above the age of one year and under that of fourteen; the term "passage" shall include all passages except cabin passages; the term "passengers" shall include all passengers except cabin passengers, and except laborers under indenture to the Hudson's Bay Company, and their families, if conveyed in ships the property of or chartered by the said company; and no persons shall be deemed cabin passengers, unless the space allotted to their exclusive use in the chief or second cabin shall be in the proportion of at least thirty-six clear square feet to each statute adult, nor unless they shall be messed at the same table with the master or first officer of the ship, nor unless the fare contracted to be paid by them respectively shall be in the proportion of at least twenty shillings for every week of the length of the voyage as computed for sailing vessels under the provisions of this act; the term "passenger deck" shall signify the main deck and the deck immediately below it, not being an orlop deck, or either of them, or any compartment thereof in which passengers may be berthed; the term "ship" shall signify any description of sea-going vessel, whether British or foreign; the term "passenger ship" shall signify every description of such ship carrying upon any voyage to which the provisions of this act shall extend a greater number of passengers, when propelled by sails, than in the proportion of one "statute adult" to every twenty-five tons of the registered tonnage of such ship; and when propelled by steam, than in the proportion of one statute adult to every ten tons of the registered tonnage of such ship; and the term "master" shall signify the person who shall be borne on the ship's articles as master, or who for the time being shall be in charge or command of any such ship or "passenger ship;" and, unless there be something in the subject-matter or context repugnant thereto, every word importing the singular number or the mascu-

line gender only shall include several persons, matters, or things, as well as one person, matter, or thing, and females as well as males, respectively; and every word importing the plural number shall include one person or thing, as well as several persons or things.

IV. This act shall extend to every "passenger ship" proceeding on any voyage from the United Kingdom to any place out of Europe, and not being within the Mediterranean sea, and on every colonial voyage, as hereinafter described, but shall not extend to any of her Majesty's ships-of-war, nor to any ships in the service of the commissioners for executing the office of Lord High Admiral of the United Kingdom, nor to any ship-of-war or transport in the service of the East India Company, nor to any steam-vessel carrying the royal mails, or carrying mails under contract with the government of the country to which such steam-vessel may belong.

V. And whereas by a warrant under her Majesty's sign manual, bearing date on the twenty-seventh day of November, one thousand eight hundred and forty-seven, her Majesty was pleased to appoint certain persons therein named to be, during her Majesty's pleasure, commissioners in the United Kingdom for the sale of the waste lands of the crown in her Majesty's colonies, and for superintending the emigration of the poorer classes of her Majesty's subjects to such colonies: and whereas it is expedient that such commissioners should be empowered to carry this act into execution: Be it therefore enacted, that the said commissioners, and their successors for the time being, shall and they are hereby empowered to carry this act into execution; and that for all legal purposes it shall be sufficient to describe such commissioners by the style of the "colonial land and emigration commissioners."

VI. The colonial land and emigration commissioners for the time being may sue and be sued in the name of their secretary, or of any one of such commissioners for the time being; and legal or equitable proceedings taken by or against the said commissioners in the name of any one of them or of their secretary, shall not abate nor be discontinued by the death or removal of such secretary or commissioner, but the secretary for the time being, or any one of such commissioners, shall always be deemed to be the plaintiff or defendant (as the case may be) in any such proceedings; provided always, that the said commissioners and their secretary, respectively, shall in no case be personally liable, nor shall the private estate and effects of any of them be liable, for the payment of any moneys or costs, or otherwise in respect of any contract made or hereafter to be made by them or any of them, or in respect of any legal or equitable proceedings taken against them or any of them, or for any act, deed, or matter done or executed by them or any of them, in their or his official capacity, and on the public service.

VII. In the United Kingdom the said commissioners acting under the sanction of one of her Majesty's Principal Secretaries of State, and in her Majesty's possessions abroad the respective governors thereof, may from time to time appoint, and the said commissioners and governors may at pleasure, from time to time, remove, such emigration officers, and assistant emigration officers, as they may respectively think necessary, for the purpose of carrying this act into execution,

under the direction of the said commissioners or governors, as the case may be; provided, nevertheless, that all existing appointments of emigration officers and of their assistants, as well in the United Kingdom as in her Majesty's possessions abroad, shall continue in force under this act, until duly revoked.

VIII. All powers, functions, and duties to be exercised or performed by any such emigration officer, shall be exercised and performed respectively by his assistant, or, at any port where there shall be no such emigration officer or assistant, or in their absence, by the chief officer of customs for the time being at such ports.

IX. The master of every ship, whether a "passenger ship" or otherwise, fitting or intended for the carriage of passengers, or which shall carry passengers upon any voyage to which this act extends, shall afford to such emigration officer or his assistant as aforesaid, at any port or place in her Majesty's dominions, and, in the case of *British* ships, to her Majesty's consul at any foreign port or place at which such ship shall be or arrive, every facility for inspecting such ship, and for communicating with the passengers, and for ascertaining that the provisions of this act, so far as the same may be applicable to such ships, have been duly complied with.

X. No ship fitted or intended for the carriage of passengers as a "passenger ship," shall clear out or proceed to sea until the master thereof shall have obtained from the emigration officer at the port of clearance, a certificate under his hand that all the requirements of this act, so far as the same can be complied with before the departure of such ship, have been duly complied with, nor until the master shall have joined in executing such bond to the Crown as required by the fifty-ninth section of this act.

XI. If any "passenger ship" shall clear out or proceed to sea without the master's having first obtained such certificate, or without his having joined in executing such bond as by this act is required, such ship shall be forfeited to the use of her Majesty, and may be seized by any officer of customs, if found, within two years from the commission of the offence, in any port or place in the United Kingdom or in her Majesty's possessions abroad; and such ship shall thereupon be dealt with in the same manner as if she had been seized as forfeited under any of the laws relating to the customs for an offence incurring forfeiture under those laws.

XII. No ship shall clear out or shall proceed to sea with a greater number of passengers on board (exclusive of *bona fide* cabin passengers) than will allow of the appropriation to them of the following space on the "passenger decks," unoccupied by stores, not being the personal luggage of the passengers; (that is to say,) if the ship is not intended to pass within the tropics, twelve clear superficial feet for every statute adult; but if the ship is intended to pass within the tropics, fifteen such clear superficial feet for every statute adult: nor (unless the ship be propelled by steam) with a greater number of persons on board (including the master and crew, and cabin passengers, if any, and counting two children above the age of one year and under that of fourteen as one person) than in the proportion of one person to every two tons of the registered tonnage of such ship. If there shall be on board of any ship, at or

after the time of clearance, a greater number either of persons or of passengers than in the proportions respectively hereinbefore mentioned, the master of such ship shall be liable, on such conviction as hereinafter is mentioned, to a penalty not exceeding five pounds, nor less than two pounds sterling, for each person or passenger constituting any such excess.

XIII. The master of every ship, whether a "passenger ship" or otherwise, carrying passengers on any voyage to which this act extends, shall, before demanding a clearance for such ship, sign two lists made out according to the form contained in schedule (A.) hereto annexed, correctly setting forth, in the manner therein directed, the name and other particulars of the ship, and of every passenger on board thereof; and the said lists, when countersigned by the emigration officer, where there is one at the port, shall be delivered by the master to the officer of the customs, from whom a clearance of the said ship shall be demanded, and such officer shall thereupon also countersign and return to the said master one of such lists, hereinafter called "the master's list;" and the said master shall exhibit such last mentioned list, with any additions which may from time to time be made thereto, as hereinafter directed, to the chief officer of her Majesty's customs at any port or place in her Majesty's possessions, or to her Majesty's consul at any foreign port at which the said passengers or any of them shall be landed, and shall deposite the same with such chief officer of customs, or such consul, as the case may be, at the final port or place of discharge.

XIV. If at any time after such lists shall have been signed and delivered as aforesaid, any additional passenger shall be taken on board, in every such case the master shall, according to the form aforesaid, add to "the master's list" the names and other particulars of every such additional passenger, and shall also sign a separate list, made out according to the form aforesaid, containing the names and other particulars of every such additional passenger; and such last mentioned list, when countersigned by the emigration officer, where there is one at the port, shall, together with "the master's list" to which such addition shall have been made, be delivered to the chief officer of customs as aforesaid, and thereupon such officer shall countersign "the master's list," and shall return the same to the said master, and shall retain the separate list; and so on in like manner whenever any additional passenger or passengers may be taken on board; or if no officer of customs shall be stationed at the port or place where such additional passenger or passengers may be taken on board, the said lists shall be delivered to the officer of customs at the next port or place at which such vessel shall touch or arrive, and where any such officer shall be stationed, to be dealt with as hereinbefore mentioned; provided, that when any additional passengers shall be taken on board, the master shall obtain a fresh certificate from the emigration officer of the port that all the requirements of this act have been duly complied with, before the ship shall proceed to sea, and in default thereof shall be liable to a penalty for each offence not exceeding fifty pounds.

XV. If any person shall be found on board any passenger ship, with intent to obtain a passage therein without the knowledge and consent of the owner, charterer, or master thereof, such person, and every per-



son aiding and abetting him in such fraudulent intent, shall respectively be liable, on such summary conviction as hereinafter mentioned, to a penalty not exceeding five pounds, and in default of payment to imprisonment, with hard labor, for a period not exceeding three calendar months; and such person so found on board may be taken before any justice of the peace, without warrant, and such justice may hear the case, and on proof of the offence convict such offender as aforesaid.

XVI. No "passenger ship" shall clear out or proceed to sea unless she shall have been surveyed, under the direction of the emigration officer at the port of clearance, but at the expense of the owner or charterer thereof, by two or more competent surveyors, to be appointed by the said colonial land and emigration commissioners for each port at which there may be an emigration officer, and for other ports by the commissioners of customs, nor unless it shall be reported by such surveyors that such "passenger ship" is, in their opinion, seaworthy, and fit in all respects for her intended voyage: provided always, that in case any "passenger ship" shall be reported by any such surveyors not to be seaworthy, nor fit in all respects for her said intended voyage, the owner or charterer, if he shall think fit, may require, by writing under his hand, the emigration officer, or in his absence the chief officer of customs, to appoint three other competent surveyors, of whom two at least shall be shipwrights, to survey the said ship, at the expense of the said owner or charterer; and the said officer shall thereupon appoint such surveyors, who shall survey the said ship, and if they shall, by a unanimous report under their hands, (but not otherwise) declare the said ship to be seaworthy, and fit in all respects for her intended voyage, the said ship shall then, for the purposes of this act, be deemed seaworthy for such voyage.

XVII. In every "passenger ship," the beams supporting the "passenger decks" shall form part of the permanent structure of the ship; they shall be of adequate strength, in the judgment of the emigration officer at the port of clearance, and shall be firmly secured to the ship to the satisfaction of such officer. The "passenger decks" shall be at least one inch and a half in thickness, and shall be laid and firmly fastened upon the beams continuously, from side to side of the compartment in which the passengers are berthed, or substantially secured to the beams, at least three inches clear above the bottom thereof, to the satisfaction of such emigration officer. The height between any deck on which passengers are carried, and the deck immediately above it, shall not be less than six feet.

XVIII. There shall not be more than two tiers of berths on any one deck in any "passenger ship," and the interval between the floor of the berths and the deck immediately beneath them shall not be less than six inches; the berths shall be securely constructed, and of dimensions not less than after the rate of six feet in length, and eighteen inches in width, for each statute adult, and shall be sufficient in number for the proper accommodation of all the passengers contained in the lists of passengers hereinbefore required to be delivered by the master of the ship.

XIX. In every passenger ship all the unmarried male passengers of the age of fourteen years and upwards shall, to the satisfaction of

the emigration officer at the port of clearance, be berthed in the fore part of the ship, in a compartment divided off from the space appropriated to the other passengers, by a substantial and well-secured bulkhead, or in separate rooms, if the ship be divided into compartments, and fitted with enclosed berths. Not more than two passengers, unless members of the same family, shall be placed in the same berth; nor in any case shall persons of different sexes above the age of fourteen, unless husband and wife, be placed in the same berth.

XX. No berths in a "passenger ship," occupied by passengers during the voyage, shall be taken down until forty-eight hours after the arrival of such ship at the port of final discharge, unless all the passengers shall have voluntarily quitted the ship before the expiration of that time.

XXI. In every "passenger ship" a space shall be properly divided off, to the satisfaction of the emigration officer at the port of clearance, and set apart for an hospital, not less, in ships carrying as many as one hundred statute adults, than fifty-six clear superficial feet, with four bed-berths erected therein, and properly supplied with bedding; nor less, in vessels carrying three hundred or more statute adults, than one hundred and twenty clear superficial feet, with at least eight bed-berths, properly supplied as aforesaid.

XXII. No "passenger ship" shall clear out or proceed to sea unless fitted, to the satisfaction of the emigration officer at the port of clearance, with at least two privies, and with two additional privies for every one hundred passengers on board, which shall be maintained in a serviceable condition throughout the voyage; provided that such privies shall be placed in equal numbers on each side of the ship, and need not in any case exceed twelve in number.

XXIII. No "passenger ship" having on board as many as one hundred statute adults shall clear out or proceed to sea without having on board an adequate and proper ventilating apparatus, to be approved by the emigration officer at the port of clearance, and fitted to his satisfaction; and in every "passenger ship," the passengers, whatever be their number, shall at all times during the voyage (weather permitting) have free access to and from the between-decks, by the whole of each hatchway situate over the space appropriated to the use of such passengers. If, however, the main hatchway be not one of the hatchways appropriated to the use of the passengers, or if the natural supply of light and air through the same be in any manner unduly impeded, the emigration officer at the port of clearance may direct such other provision to be made for affording light and air to the between-decks as the circumstances of the case may, in his judgment, appear to require; and in case of non-compliance with any such directions, or in case such ship shall be cleared out or proceed to sea without such ventilating apparatus, the owner, charterer, or master of such ship shall be liable, on such conviction as hereinafter is mentioned, to a penalty not exceeding fifty pounds, nor less than twenty pounds sterling.

XXIV. Every "passenger ship" shall carry a number of boats, according to the following scale: (that is to say,) two boats for every ship of one hundred tons and upwards; three boats for every ship of two hundred tons and upwards, if the number of statute adults on

board shall exceed fifty; four boats for every ship of five hundred tons and upwards, if the number of statute adults shall exceed two hundred; five boats for every ship of eight hundred tons and upwards, if the number of statute adults shall exceed three hundred; six boats for every ship of twelve hundred tons and upwards, if the number of statute adults shall exceed five hundred and fifty. One of such boats shall in all cases be a long-boat, and one shall be a properly fitted life-boat, which shall be kept properly suspended at the quarter or stern of the ship; and each of such boats shall be of a suitable size, to be approved by the emigration officer at the port of clearance, and shall be seaworthy, and properly supplied with all requisites, and kept clear at all times for immediate use at sea. There shall likewise be on board each "passenger ship" two properly fitted life-buoys, kept ready at all times for immediate use, and some adequate means, to be approved by the emigration officer at the port of clearance, of making signals by night; also a fire-engine, in proper working order, or other apparatus for extinguishing fire, to be approved by such officer; provided that "passenger ships" which shall comply with the requirements of this act, as regards boats, shall be exempted from the requirements respecting boats, contained in the "steam navigation act, 1851."

XXV. Every "passenger ship" shall be manned with an efficient crew for her intended voyage, to the satisfaction of the officer from whom a clearance of such ship may be demanded.

XXVI. No "passenger ship" shall clear out or proceed to sea if there shall be on board as cargo any horses, cattle, gunpowder, vitriol, lucifer matches, guano, green hides, or any other article, whether as cargo or ballast, which by reason of its nature or quantity shall be deemed by the emigration officer at the port of clearance likely to endanger the health or lives of the passengers, or the safety of the ship. No part of the cargo, or of the provisions, water, or stores, whether for the use of the passengers or of the crew, shall be carried on the upper deck, or on the "passenger decks," unless in the opinion of such emigration officer it shall be so placed as not to impede light or ventilation, nor interfere with the comfort of the passengers; nor unless the same be stowed and secured to the satisfaction of such emigration officer; and the space occupied thereby on the passenger decks, or rendered, in the opinion of such emigration officer, unavailable for the accommodation of the passengers, shall be deducted in calculating the space by which, under the provision of this act, the number of passengers is regulated.

XXVII. For the purposes of this act, the length of the voyage for a "passenger ship," proceeding from the United Kingdom to the under-mentioned places respectively, shall be determined by the following scale; (that is to say:)

Destination.	If the ship be propelled by sails alone.	If the ship be propelled wholly by steam-engines of not less power than after the rate of 20 horses to every 100 registered tons, or by such steam-engines in aid of sails.
	<i>Days.</i>	<i>Days.</i>
To North America (except the west coast thereof):—		
For ships clearing out between the sixteenth day of January and the fourteenth day of October, both days inclusive .....	70	40
For ships clearing out between the fourteenth day of October and the sixteenth day of January, both days inclusive ..	80	45
To the West Indies.....	70	40
To any part of the east coast of the continent of Central or South America northward of the twenty-fifth degree of south latitude, except British Guiana.....	84	50
To the west coast of Africa .....	84	50
To the Cape of Good Hope or the Falkland islands, or to any part of the east coast of South America southward of the twenty-fifth degree of south latitude.....	105	65
To the Mauritius, and to the western coast of America south of the equator.....	126	75
To Ceylon .....	140	85
To Western Australia.....	120	85
To any other of the Australian colonies.....	140	90
To New Zealand, and to the western coast of America between the equator and the fortieth degree of north latitude.....	150	90
To the western coast of America north of the fortieth degree of north latitude, and the islands adjacent thereto.....	182	96

For the like purposes, the said colonial land and emigration commissioners, acting by and under the authority of one of her Majesty's Principal Secretaries of State, from time to time, by any notice in writing issued under the hands of any two of such commissioners, and published in the *London Gazette*, may nevertheless declare what shall be deemed to be the length of voyage from the United Kingdom to any of

the said hereinbefore mentioned places, or to any other port or place whatsoever, and may fix such different lengths of voyage as they may think reasonable for such different descriptions of vessels as aforesaid.

XXVIII. Before any "passenger ship" shall be cleared out, the emigration officer at the port of clearance shall survey, or cause to be surveyed, by some competent person, the provisions and water by this act required to be placed on board for the consumption of the passengers, and shall satisfy himself that the same are of a good and wholesome quality, and in a sweet and good condition, and are in quantities sufficient to secure throughout the voyage the issues hereinafter prescribed. He shall also satisfy himself that over and above the same, there is on board, for the victualling of the crew of the ship, and all other persons, if any, on board, an ample supply of pure water, and of wholesome provisions and stores; and that such of the last-mentioned provisions or stores as consist of articles of a like description to those hereby required for the consumption of the passengers, are not inferior in quality to the same. All such water, provisions, and stores, shall be provided and properly stowed away, in accordance with the requirements of the twenty-sixth section of this act, by and at the expense of the owner, charterer, or master of the ship; and if a clearance be obtained for any "passenger ship," which shall not be then stored with the requisite quantities of such water, provisions, and stores as are required by this act, the owner, charterer, or master of such ship shall be liable, on such conviction as hereinafter is mentioned, to the payment of a penalty not exceeding one hundred pounds.

XXIX. If such emigration officer shall consider that any of the provisions or stores are not of a good and wholesome quality, or are not in a sweet or good condition, it shall be lawful for him to reject and mark the same, or the packages in which they are contained, and to direct the same to be landed; and if such rejected provisions or stores shall not thereupon be forthwith landed, or if, after being landed, the same, or any part thereof, shall be re-shipped in such ship, the owner, charterer, or master thereof, or if re-shipped in any other "passenger ship," the person causing the same to be re-shipped, shall be liable, on conviction as hereinafter mentioned, to a penalty not exceeding one hundred pounds.

XXX. In every "passenger ship" the water to be laden on board, as hereinbefore required, shall be carried in tanks or in casks, to be approved by the emigration officer at the port of clearance; and when casks are used they shall be sweet and tight, of sufficient strength, and properly charred inside, and shall not be made of fir or soft-wood staves, nor be capable severally of containing more than three hundred gallons each.

XXXI. If any "passenger ship" shall be intended to call at any intermediate port or place during the voyage, for the purpose of taking in water, and if an engagement to that effect shall be inserted in the bond mentioned in the fifty-ninth section of this act, then it shall be sufficient to place on board, at the port of clearance, such supply of water as may be requisite, according to the rate hereinafter mentioned, for the voyage of the said ship to such intermediate port or place, subject to the following conditions: (that is to say,)

First. That the emigration officer signify his approval in writing of the arrangement, to be carried amongst the papers of the ship, and exhibited to the chief officer of customs, or to her Majesty's consul, as the case may be, at such intermediate port or place, and to be delivered to the chief officer of customs, or to her Majesty's consul, as the case may be, on the arrival of the said ship at the final port or place of discharge.

Secondly. That if the length of either portion of the voyage, whether to such intermediate port or place, or from such intermediate port or place to the final port or place of discharge, be not prescribed in or under the provisions of this act, the emigration officer at the port of clearance shall, in every such case, declare the same.

Thirdly. That the ship shall have on board, at the time a clearance is demanded, tanks or water-casks, of the description hereinbefore mentioned, sufficient for stowing the quantity of water required for the longest of such portions of the voyage as aforesaid.

XXXII. In addition to and irrespective of any provisions of their own which any passengers may have on board, the master of every "passenger ship" shall make to each statute adult, during the voyage, including the time of detention, if any, at any port or place before the termination of such voyage, an allowance of pure water and sweet and wholesome provisions, according to the following dietary scale:

Three quarts of water daily. Weekly,  $2\frac{1}{2}$  lbs. of bread or biscuit, not inferior in quality to navy biscuit; 1 lb. wheaten flour; 5 lbs. oatmeal; 2 lbs. rice;  $\frac{1}{2}$  lb. sugar; 2 oz. of tea, or 4 oz. of cocoa or of roasted coffee; 2 oz. salt—per statute adult.

The following substitutions for articles in the above dietary scale may be made, at the option of the master of any "passenger ship," provided that the substituted articles be set forth in the contract tickets of the passengers; that is to say, 5 pounds of good potatoes, or  $\frac{1}{2}$  a pound of beef or of pork, exclusive of bone, or of preserved meat, or  $\frac{3}{4}$  of a pound of dried salt-fish, or 1 pound of bread or biscuit, not inferior in quality to navy biscuit, or 1 pound of best wheaten flour, or 1 pound of split peas, for  $1\frac{1}{2}$  pound of oatmeal, or for 1 pound of rice; and  $\frac{1}{4}$  pound preserved potatoes may be substituted for 1 pound of potatoes; but in vessels clearing out from Scotch or Irish ports the weekly allowance of oatmeal shall not be less than at the rate of  $3\frac{1}{2}$  pounds for each statute adult.

XXXIII. In every "passenger ship" the issues of provisions shall be made daily before two o'clock in the afternoon, as near as may be in the proportion of one-seventh of the weekly allowance on each day; the first of such issues shall be made before two o'clock, in the afternoon of the day of embarkation, to such passengers as shall be then on board; and all articles which require to be cooked, shall be issued in a cooked state.

XXXIV. The said colonial land and emigration commissioners for the time being, acting under the authority of one of her Majesty's principal secretaries of state, may from time to time, by any notice for that purpose, issued under the hands of any two of such commissioners, and published in the London Gazette, authorize the issue of provisions in

any "passenger ship" according to such other dietary scale (besides the one hereinbefore prescribed) as shall, in their opinion, contain in the whole an equivalent amount of wholesome nutriment; and after the publication of such notice it shall be lawful for the master of any "passenger ship" to issue provisions to his passengers either according to the scale by this act prescribed, or according to the scale authorized by the said commissioners, whichever may have been set forth in the contract tickets of the passengers: provided always, that the said commissioners acting under such authority, and by such notice as aforesaid, may revoke or alter any such dietary scale authorized by them, as occasion may require.

XXXV. Every "passenger ship" carrying as many as one hundred statute adults, shall have on board a seafaring person, who shall be rated in the ship's articles as passengers' steward, and who shall be approved by the emigration officer at the port of clearance, and who shall be employed in messing and serving out the provisions to the passengers, and in assisting to maintain cleanliness, order, and good discipline among the passengers, and who shall not assist in any way in navigating or working the ship.

XXXVI. Every "passenger ship" carrying as many as one hundred "statute adults" shall also have on board a seafaring man, or if carrying more than four hundred "statute adults," two seafaring men, to be rated and approved as in the case of passengers' stewards, who shall be employed in cooking the food of the passengers. A convenient place for cooking shall also be set apart on deck; and a sufficient cooking apparatus, properly covered in and arranged, shall be provided, to the satisfaction of the said emigration officer, together with a proper supply of fuel adequate, in his opinion, for the intended voyage.

XXXVII. In every foreign "passenger ship" in which as many as one-half of the passengers shall be British subjects, unless the master and officers, or not less than three of them, shall understand and speak intelligibly the English language, there shall be carried, where the number of passengers does not exceed two hundred and fifty, one person, and where it exceeds two hundred and fifty, two persons, who understand and speak intelligibly the language spoken by the master and crew, and also the English language, and such persons shall act as interpreters, and be employed exclusively in attendance on the passengers, and not in the working of the ship; and the master of any such foreign ship clearing out or proceeding to sea without having such interpreter or interpreters on board, as aforesaid, shall be liable, on conviction, as hereinafter mentioned, to a penalty not exceeding fifty pounds nor less than five pounds.

XXXVIII. Every "passenger ship" shall carry a duly qualified medical practitioner in the following cases, who shall be rated on the ship's articles: First, when the duration of the intended voyage, as hereinbefore computed, exceeds eighty days in the case of ships propelled by sails, and forty-five days in the case of ships propelled by steam-engines, and the number of persons on board (including cabin passengers, officers, and crew) exceeds fifty; second, when the intended voyage is to North America, and the number of passengers exceeds

one hundred "statute adults," and the space allotted to such passengers on the "passenger decks" is less than fourteen clear superficial feet for each "statute adult;" third, when, whatever may be the destination of the ship, or the space allotted to the passengers, the number of persons on board (including cabin passengers, officers, and crew) exceeds five hundred.

XXXIX. No medical practitioner shall be considered to be duly qualified for the purposes of this act unless authorized by law to practise in the United Kingdom, or, in the case of a foreign ship, in the country to which such ship may belong, as a physician, surgeon, or apothecary, nor unless his name shall have been notified to the emigration officer at the port of clearance, and shall not be objected to by him, nor unless he shall be provided with proper surgical instruments to the satisfaction of such officer.

XL. The owner or charterer of every "passenger ship" shall provide for the use of the passengers a medicine chest containing a supply of medicines, instruments, and other things proper and necessary for diseases and accidents incident to sea voyages, and for the medical treatment of the passengers during the voyage, including an adequate supply of disinfecting fluid or agent, together with printed or written directions for the use of the same respectively; and such medicines and other things shall be good in quality, and, in the judgment of the emigration officer at the port of clearance, sufficient in quantity for the probable exigencies of the intended voyage, and shall be placed under the charge of the surgeon, when there is one on board, to be used at his discretion.

XLI. No "passenger ship," except as hereinafter provided, shall clear out or proceed to sea until some medical practitioner, to be appointed by the emigration officer at the port of clearance, shall have inspected the medicine chest of the said ship, and also all the passengers and crew about to proceed in her, and shall certify to the said emigration officer that the said ship contains a sufficient supply of medicines, disinfecting fluid or agent, instruments, and other things requisite for the medical treatment of the passengers during the intended voyage, and that none of the passengers or crew appear likely, by reason of being affected by any infectious or other disease, to endanger the health of the other persons about to proceed in such vessel. Such medical inspection of the passengers shall take place either on board the vessel, or, at the discretion of the said emigration officer, at such convenient place on shore, before embarkation, as he may appoint; and the master, owner, or charterer of the ship shall pay to such emigration officer a sum at the rate of twenty shillings for every hundred statute adults so examined: provided also, that in case the emigration officer on any particular occasion shall be unable to obtain the attendance of such medical practitioner, it shall be lawful for the master of any such ship to clear out and proceed to sea, on receiving from the said emigration officer written permission for the purpose.

XLII. If any such medical practitioner shall notify to the emigration officer at the original port of clearance, or at any other port or place in the United Kingdom into which the vessel may subsequently put, or if the said emigration officer shall be otherwise satisfied, that



any person about to proceed in any such "passenger ship" is unfit, by reason of sickness, or is likely, by reason of being affected by any infectious or other disease, to endanger the health of the other persons on board, it shall be lawful for such officer to re-land or cause to be re-landed any such person, and such members of his family, if any, as may be dependent on him, or as may be unwilling to be separated from him, together with their clothes and effects; and no "passenger ship" shall clear out or proceed to sea so long as any such diseased person shall be on board.

XLIII. Any passenger so re-landed, or any emigration officer on his behalf, shall be entitled to recover, by summary process, in manner hereinafter provided, the whole of the moneys which may have been paid by or on account of such passenger for his passage, from the party to whom the same may have been paid, or from the owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer.

XLIV. If any intending passenger, either by himself or by any other person, shall have contracted for a passage for himself, or for him and his family, in any ship proceeding on any voyage to which this act extends, and shall be at the place of embarkation at the time appointed for that purpose in and by such contract, and shall apply for such passage, and shall, on demand, pay or tender such part of the passage money, not already paid, as shall be payable under such contract previously to embarkation, and if, owing to the previous departure of the ship in which such passage shall have been engaged, or to the want of room therein, or to the neglect, refusal, or other default of the owner, charterer, or master thereof, or of the party with whom or on whose account such passage shall have been contracted for, such passenger shall not obtain a passage in such ship, or shall not, together with all the immediate members of his family who may be included in such contract, obtain a passage to the same port in some other equally eligible ship, to sail within ten days from the expiration of the day named in such contract, and in the mean time be paid subsistence money, at the rate hereinafter mentioned, such passenger, or any emigration officer on his behalf, shall be entitled to recover, in manner hereinafter provided, either from the party to whom or on whose account the same may have been paid, or (in case such contract shall have been made with the owner, charterer, or master of such ship, or with any person acting on behalf or by the authority of any of them respectively,) from such owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer, all moneys which shall have been paid by or on account of such passengers for such passage, and also such further sum, not exceeding ten pounds, in respect of each such passage, as shall, in the opinion of the justices of the peace who shall adjudicate on the complaint, be a reasonable compensation for the loss or inconvenience occasioned to each such passenger by the loss of such passage.

XLV. If any ship, whether a "passenger ship" or otherwise, shall not actually put to sea, and proceed on her intended voyage on the day appointed for sailing, in and by any contract made by the owner, charterer, or master of such ship, or by his or their agent, with any pas-

senger who shall on that day be on board the same, or ready to go on board, the owner, charterer, or master of such ship, or his or their agent, or any of them, at the option of such passenger or emigration officer, shall pay to every such passenger (or if such passenger shall be lodged and maintained in any establishment under the superintendence of the said colonial land and emigration commissioners, then to the emigration officer at the port of embarkation,) subsistence money after the rate of one shilling for each statute adult in respect of each day of delay, until the final departure of such ship on such voyage, and the same may be recovered in manner hereinafter mentioned; provided, that if any such ship be unavoidably detained, either by wind or weather, and the passengers be maintained on board in the same manner as if the voyage had commenced, no such subsistence money shall be payable.

XLVI. If any "passenger ship" shall, after clearance, be detained in port for more than seven days, or shall put into or touch at any port or place in the United Kingdom, she shall not put to sea again until there shall have been laden on board at the expense of the owner, charterer, or master of such ship, such further supply of pure water, wholesome provisions of the requisite kinds and qualities, and medical stores, as may be necessary to make up the full quantities of those articles hereinbefore required for the use of the passengers during the whole of the intended voyage, nor until any damage she may have sustained shall have been effectually repaired, nor until the master of the said ship shall have obtained from the emigration officer or his assistant, or where there is no such officer, or in his absence, from the officer of customs at such port or place, a certificate to the same effect as the certificate hereinbefore required to enable the ship to be cleared out; and in case of any default herein, the said master shall be liable, on conviction, as hereinafter mentioned, to a penalty not exceeding one hundred pounds nor less than fifty pounds sterling. And if the master of any "passenger ship" so putting into or touching at any port or place, as aforesaid, shall not within twenty-four hours thereafter report in writing his arrival, and the cause of his putting back, and the condition of his ship, and of her stores and provisions, to the emigration officer, or, as the case may be, to the officer of customs at the port, and shall not produce to such officer the official or "master's list" of passengers, such master shall, for each offence, be liable to a penalty not exceeding twenty pounds nor less than two pounds sterling.

XLVII. If any "passenger ship" shall, from disaster at sea, or any other cause whatsoever, put into any port or place within the United Kingdom, and shall not be made sound and seaworthy, and within six weeks again proceed with her passengers on her intended voyage, the owner, charterer, or master thereof shall provide the passengers with a passage in some other eligible ship to the port or place at which they respectively may have originally contracted to land, and shall in the mean time, if the passengers be not lodged and maintained on board in the same manner as if the ship were at sea, pay to such passengers (or if such passengers shall be lodged and maintained in any establishment under the superintendence of the said colonial land and emigration commissioners, then to the emigration officer at such port or place,) subsist-

ence money after the rate of one shilling sterling for each statute adult in respect of each day of delay until such passengers are duly forwarded to their destination; and if default shall be made in any of the requirements of this section, such passengers, respectively, or any emigration officer on their behalf, shall be entitled to recover, by summary process as hereinafter mentioned, all moneys which shall have been paid by or on account of such passengers, or any of them, for such passage, from the party to whom or on whose account the same may have been paid, or from the owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer: provided, that the said emigration officer may, if he shall think it necessary, direct that the passengers shall be removed from such "passenger ship" at the expense of the master thereof; and if after such direction any passenger shall refuse to leave such ship, he shall be liable, on conviction as hereinafter mentioned, to a penalty not exceeding forty shillings, or to imprisonment not exceeding one calendar month, as the justices of the peace may direct.

XLVIII. If the passengers of any "passenger ship" shall be taken off from any such "passenger ship" at sea, it shall be lawful, if the port or place to which they shall be conveyed shall be in the United Kingdom, for one of her Majesty's Principal Secretaries of State, or if in any of her Majesty's colonial possessions, for the governor of such colony, or for any person authorized by him for the purpose, or if in any foreign country, for her Majesty's consul or vice-consul, at such port or place therein, to defray all or any part of the expenses incurred by such conveyance.

XLIX. If any passengers of any "passenger ship" shall, without any neglect or default of their own, find themselves within any colonial or foreign port or place other than that at which they may have contracted to land, and the master of such ship shall decline or omit, within six weeks thereafter, to forward or carry them on to their original destination, it shall be lawful for the governor of such colony, or for any person authorized by him for the purpose, or for her Majesty's consul or vice-consul at such foreign port or place, as the case may be, to forward such passengers to their intended destination.

L. All expenses incurred under the last two preceding sections, or either of them, by or by the authority of such secretary of state, governor, consul, or vice-consul, as aforesaid, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary bedding, provisions, and stores, shall become a debt to her Majesty and her successors from the owner, charterer, and master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of her Majesty, in like manner as in the case of other crown debts; and a certificate purporting to be under the hand of any such secretary of state, governor, or consul, or vice-consul, (as the case may be,) stating the total amount of such expenses, shall, in any suit or other proceeding for the recovery of such debt, be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred, without any proof of the handwriting or of the official character of the secretary of state, governor, consul, or vice-consul, who may have signed such certificate; provided, never-

theless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to the amount originally paid for the passage of the passengers who may be so forwarded or conveyed as aforesaid; which original amount of passage money shall be proved by the defendant, if he will have the advantage of this limitation of the debt; but if any such passengers are forwarded or conveyed to their intended destination, under the provisions of the last preceding section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage under the provisions of this act.

LI. No policy of assurance effected in respect of any passages, or of any passage or compensation moneys, by any person by this act made liable, in the events aforesaid, to provide such passages or to pay such moneys, shall be deemed to be invalid by reason of the nature of the risk or interest sought to be covered by such policy of assurance.

LII. No passenger in any ship, whether a "passenger ship" or otherwise, shall be landed, without his previous consent, at any port or place other than the port or place at which he may have contracted to land.

LIII. Every passenger in a "passenger ship" shall be entitled, for at least forty-eight hours next after his arrival at the end of his voyage, to sleep in the ship, and to be provided for and maintained on board thereof, in the same manner as during the voyage, unless within that period the ship shall quit such port or place in the further prosecution of her voyage.

LIV. Nothing herein contained shall take away or abridge any right of action which may accrue to any passenger in any ship, or to any other person, in respect of the breach or non-performance of any contract made or entered into between or on behalf of any such passenger or other person, and the master, charterer, or owner of any such ship, or his or their agent, or any passage broker.

LV. It shall be lawful for her Majesty and her successors, by any order in council to be by her or them made, with the advice of the privy council, to prescribe such rules and regulations as to her Majesty or her successors may seem fit, for preserving order, for promoting health, and for securing cleanliness and ventilation, on board of "passenger ships" proceeding from the United Kingdom to any port or place in her Majesty's possessions abroad, and the said rules and regulations from time to time in like manner to alter, amend, and revoke, as occasion may require; and any copy of such order in council contained in the "*London Gazette*," or purporting to be printed by the Queen's printer, shall, throughout her Majesty's dominions, be received in all legal proceedings as good and sufficient evidence of the making and contents of any such order in council.

LVI. In every such "passenger ship," the medical practitioner on board, aided by the master thereof, or, in the absence of such medical practitioner, the master of such ship, is hereby empowered to exact obedience to all such rules and regulations as aforesaid; and any person on board who shall neglect or refuse to obey any such rule or regulation, or who shall obstruct the medical practitioner or master of such ship in the execution of any duty imposed upon him by any such rule or regulation, or who shall be guilty of riotous or insubordinate conduct,

shall be liable for each offence to a penalty not exceeding two pounds sterling, and, in addition thereto, to be confined in the common jail for any period not exceeding one month, at the discretion of the justices who shall adjudicate on the complaint.

LVII. The said colonial land and emigration commissioners shall from time to time prepare such abstracts as they may think proper of the whole or any part of this act, and of any such order in council as aforesaid; and four copies of such abstracts, together with a copy of this act, shall, on demand, be supplied by the principal officer of customs at the port of clearance to the master of every "passenger ship" proceeding from the United Kingdom to any port or place in her Majesty's possessions abroad; and such master shall, on request made to him, produce a copy of the act to any passenger on board, for his perusal; and further, shall post, previous to the embarkation of the passengers, and shall keep posted so long as any passenger shall be entitled to remain in the ship, in at least two conspicuous places between the decks on which passengers may be carried, copies of such abstracts; and such master shall be liable to a penalty not exceeding forty shillings sterling for every day during any part of which by his act or default such abstracts shall fail to be so posted; and any person displacing or defacing such abstracts so posted, shall be liable to a penalty not exceeding forty shillings sterling.

LVIII. If in any "passenger ship" any person shall, during the voyage, directly or indirectly, sell or cause to be sold any spirits or strong waters to any passenger, he shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than five pounds sterling.

LIX. Before any "passenger ship" shall clear out or proceed to sea, the owner or charterer, or, in the event of the absence of such owner or charterer, one good and sufficient person on his behalf, to be approved by the chief officer of customs at the port of clearance, shall, with the master of the said ship, enter into a joint and several bond, in the sum of one thousand pounds, to her Majesty, her heirs and successors, according to the form contained in schedule (B) hereto annexed, the condition of which bond shall be, that the said ship is in all respects seaworthy, and that, notwithstanding any penalty by this act imposed, and whether the same may have been sued for and recovered or not, all and every the requirements of this act, (except such as relate exclusively to passage brokers,) and of the said colonial land and emigration commissioners, acting in the manner prescribed by this act, and of any order which may at the date of such bond have been passed by her Majesty in council in virtue of this act, shall in all respects be well and truly fulfilled and performed; and in the case of any foreign "passenger ship" which shall be bound to any of her Majesty's possessions abroad, that the master thereof shall submit himself in like manner as a British subject, being the master of a British "passenger ship," to the jurisdiction of such courts and magistrates in her Majesty's possessions abroad as are by this act empowered to adjudicate on offences committed against this act; and, moreover, that the master, whether of a British or foreign "passenger ship," shall well and truly pay all penalties, fines, and forfeitures which he may be adjudged to pay, either in the United Kingdom or by any such tribunal abroad, for or in respect

of the breach or non-performance of any of the requirements of this act, or of the said commissioners, or of any such order in council. Such bond shall not be liable to stamp duty, and shall be executed in duplicate.

LX. It shall be the duty of the chief officer of customs at the port of clearance of any foreign "passenger ship" bound to any of her Majesty's possessions abroad, to certify, on one part of such bond, that it has been duly executed by the said master of such ship and the other obligor, and to forward the same by post to the colonial secretary of the colony to which such foreign "passenger ship" may be bound; and such certificate shall, in any colonial court of judicature in which the bond may be put in suit, be deemed conclusive evidence of the due execution of the bond by the said master and the other obligor, and it shall not be necessary to prove the handwriting of the officer of customs who may have signed such certificate, nor that he was, at the time of signing it, chief officer of customs at the port of clearance; provided that no such bond shall be put in suit in any of her Majesty's possessions abroad after the expiration of three calendar months next after the arrival therein of the said ship, nor in the United Kingdom after the expiration of twelve calendar months next after the return of the said ship or of the said master to the United Kingdom.

LXI. No person whatever, except the colonial land and emigration commissioners, or persons contracting with them or acting under their authority, shall, directly or indirectly, act as a passage broker in respect of passages from the United Kingdom to any place out of Europe, and not being within the Mediterranean sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the sale or letting of passages in any ship, whether a "passenger ship" or otherwise, proceeding from the United Kingdom to any such place as aforesaid, unless such person, with two good and sufficient sureties, to be approved by the emigration officer at the port nearest to the place of business of such person, shall have previously entered into a joint and several bond in the sum of five hundred pounds to her Majesty, her heirs and successors, according to the form contained in schedule (C) hereto annexed, which bond shall be renewed on each occasion of obtaining such license as hereinafter mentioned, and shall be in duplicate without stamps, and one part thereof shall be deposited at the office in London of the said colonial land and emigration commissioners, and the other part thereof with the chief officer of customs at the port nearest to the place of business of such person; nor unless such person shall have obtained a license, as hereinafter mentioned, to let or sell passages, nor unless such license shall then be in force; and if any person shall offend against this enactment, every person so offending shall for each offence be liable to a penalty not exceeding fifty pounds nor less than twenty pounds, to be sued for and recovered as hereinafter mentioned: provided always, that such bond shall not be required of any person who shall be one of the sworn brokers of the city of London.

LXII. Any person wishing to obtain a license to act as a passage broker in respect of passages from the United Kingdom to any place out of Europe, and not being in the Mediterranean sea, shall make application for the same to the justices at the petty sessions held for

the district or place in which such person shall have his place of business; and such justices are hereby authorized (if they shall think fit) to grant a license for that purpose, according to the form in the schedule (D) hereunto annexed, which license shall continue in force until the thirty-first day of December in the year in which such license shall be granted, and for thirty-one days afterwards, unless sooner forfeited, as herein mentioned; and upon granting such license, the justices shall cause a notice thereof according to the form in schedule (E) hereto annexed, to be transmitted forthwith by the post to the said colonial land and emigration commissioners at their office in London: provided always, that no such license shall be granted unless the party applying for the same shall show to the satisfaction of the justices that he has given such bond to her Majesty, her heirs and successors, as herein-before required, and has deposited one part thereof at the office in London of the said commissioners, or is a sworn broker of the city of London, and has in either case given notice to the said commissioners fourteen clear days at least before such application of his intention to apply for the same, which notice shall be transmitted by the post to the office in London of the said commissioners, and shall be according to the form contained in the schedule (F) hereto annexed: provided, also, that any justices of the peace who shall adjudicate on any offence against this act, or on any breach or non-performance of any of the requirements thereof, are hereby authorized, if they shall think fit, and the offender is a passage broker, to order his license to be forfeited, and the same shall thereupon be forfeited accordingly; and the said justices making such order shall forthwith cause notice of such forfeiture, in the form contained in the schedule (G) hereunto annexed, to be transmitted by the post to the said commissioners at their office in London. In Scotland, where any person wishing to obtain such license shall make application for the same to the sheriff or steward, or sheriff substitute or steward substitute, in place of to such justices of the peace as aforesaid, the forms given in the said schedule shall still be adhered to, with such alterations as may be necessary.

LXIII. Every passenger broker's license in force at the commencement of this act shall, unless adjudged to be forfeited, continue in force until the first day of February, one thousand eight hundred and fifty-three, but no longer; and all acts done under such license while in force shall be as valid as if done under any license granted under this act.

LXIV. If any owner, charterer, or master of a ship, or any passage broker or agent, or other person, shall receive money from any person for or in respect of a passage, or intended passage, from the United Kingdom to any port or place out of Europe, and not being within the Mediterranean sea, the person so receiving such money shall give to the party from whom the same shall have been received, a contract ticket in plain and legible characters, and made out upon a printed form, which shall be in all respects according to the form in the schedule (H) hereto annexed, or according to such other form as may from time to time be prescribed by the said colonial land and emigration commissioners, in any notice issued under their hands or the hands of any two of them, and published in the "London Gazette," and shall

also comply with all the directions contained on the face of such form and in default thereof shall be liable to a penalty not exceeding ten pounds nor less than five pounds, in respect of each passenger on account of whose passage such money shall have been received, to be sued for and recovered as hereinafter is mentioned: provided always, that such contract ticket shall not be liable to any stamp duty.

LXV. Any person who shall fraudulently alter, or cause to be altered, after it is once issued, or shall induce any person to part with, render useless, or destroy any such contract ticket during the continuance of the contract which it is intended to evidence, shall be liable in each case to a penalty not exceeding five pounds nor less than two pounds, to be recovered as hereinafter mentioned.

LXVI. If any licensed passage broker shall, as agent for any person, whether a licensed broker or not, receive money for, or on account of the passage of any passenger from the United Kingdom to any port or place out of Europe, and not being within the Mediterranean sea, without having a written authority to act as such agent, or shall, on the demand of any emigration officer, refuse or fail to exhibit his license and such written authority, or if any person whatever, whether licensed or not, shall receive money for or on account of any such passage, or if any person, whether as principal or agent, shall by any fraud, or by false representation as to the size of the ship or otherwise, or by any false pretence whatsoever, induce any person to engage any passage as aforesaid, every such broker or other person shall be liable, upon conviction, as hereinafter is mentioned, in respect of every such offence, to a penalty not exceeding twenty pounds nor less than five pounds, to be sued for and recovered in manner hereinafter mentioned.

LXVII. No person, unless acting under the written authority and as the agent or runner of a licensed passage broker, duly qualified at the time to act in that capacity, (which authority shall be countersigned by an emigration officer,) shall be entitled to recover by legal process from any intending emigrant, or from any passage broker or other person, any fee, commission, or reward for or in consideration of any service rendered or performed to or for any passenger or person seeking information, or assistance in any way relating to emigration; and every such runner shall exhibit such authority, when required so to do by any justice of the peace, or any constable or police officer, or any owner, charterer, master, or mate of a "passenger ship," or by any such intending emigrant, and if he shall refuse or omit to produce the same when so required, he shall be liable to a penalty for every such offence not exceeding twenty shillings, to be sued for and recovered in manner hereinafter mentioned.

LXVIII. Every licensed passage broker shall exhibit and keep constantly exhibited in some conspicuous place in his office or place of business a correct list containing the names and addresses in full of every person for the time being holding such authority to act as agent or runner for him as aforesaid, and shall at least once in every month transmit a true copy of such list duly signed by him to the emigration officer stationed nearest to the place of business of such licensed passage broker; and in case of any default herein, such licensed passage broker shall be liable, on conviction, as hereinafter mentioned, to a



penalty not exceeding five pounds nor less than two pounds for each offence.

LXIX. It shall be lawful for the trustees or other persons charged with the management of any docks or basins in any port within the United Kingdom from which "passenger ships" are despatched to make, and from time to time to alter, amend, or repeal, such rules and by-laws as may be necessary for prescribing the docks, basins, or other places at which persons arriving by sea at such ports for the purpose of emigrating, or actually emigrating therefrom, shall be landed and embarked, and the mode of their landing and embarkation, and for licensing porters to carry their luggage and otherwise to attend upon them, and for the storing and safe custody of their luggage, and for admitting persons to and excluding persons from access to such docks or basins, and for attaching a penalty not exceeding five pounds for the breach of any of such rules or by-laws, such penalty to be sued for and recovered as other penalties are by this act directed to be recovered. And it shall further be lawful for such trustees, by their officers or servants, or by any police officer, to arrest and detain any person charged with the breach of any such rule or by-law until brought before any justice of the peace, who is hereby authorized to adjudicate on the offence in a summary way: provided that no such rules or by-laws shall take effect until they shall have been approved by one of her Majesty's Principal Secretaries of State, and published by his authority in the *London Gazette*, which publication shall for all purposes be deemed conclusive evidence of such rules and by-laws, and of the approval thereof by such Secretary of State.

LXX. A penalty not exceeding fifty pounds nor less than five pounds sterling is hereby imposed on the master of any ship or "passenger ship," as the case may be, coming within the provisions of this act, who shall be convicted in manner hereinafter mentioned of any one of the following offences; that is to say:

If any ship, whether a "passenger ship" or otherwise, fitting or intended for the carriage of passengers, or which shall carry passengers on any voyage to which any of the provisions of this act may extend, every such facility for inspection shall not be afforded as hereinbefore required; or if passengers be carried on any other than the "passenger decks," as hereinbefore required; or if a clearance be demanded for any ship, whether a "passenger ship" or otherwise, before such lists of passengers shall be signed and delivered to the proper officer, as hereinbefore required; or if at any time during the voyage all such additions to the "master's lists" shall not be made; or if such additional or separate lists shall not be duly signed and delivered to the proper officer, as hereinbefore required; or if any such list or any additions to the same shall not be duly exhibited to or deposited with the proper officer at any port or place, as hereinbefore required; or if any of such lists, or the additions thereto respectively, shall be wilfully false; or if any "passenger ship" shall clear out or proceed to sea without having been duly surveyed, as hereinbefore required; or if at the time of clearance, or at any time during the voyage, the beams on which the "passenger decks" are supported in any such "passenger ship" shall not form part of her permanent structure, and be se-

cured, as hereinbefore required; or if the "passenger decks" shall not be of the thickness and laid or secured in such manner, as hereinbefore required; or if the height between any deck on which passengers may lawfully be carried, and the deck immediately above it, shall be less than six feet; or if there shall be more than two tiers of berths on any one deck, or if such berths shall not be securely constructed, or shall not be of such dimensions, as hereinbefore required; or if there shall not be such an interval between the deck and the floor of the berths as is hereinbefore required; or if the passengers be berthed contrary to the requirements of this act; or if the unmarried male passengers of fourteen years of age and upwards shall not be berthed in such separate compartments, as hereinbefore required; or if any of the berths shall be taken down contrary to the requirement in that behalf, hereinbefore contained; or if in any "passenger ship" a space shall not be properly divided off and set apart for a hospital, as hereinbefore required; or if before clearance any passenger ship shall not be fitted with privies; or if the same shall not throughout the voyage be maintained in a serviceable condition, as hereinbefore required; or if the passengers shall not have free access to or from the between-decks, in the manner hereinbefore required; or if any "passenger ship," at the time of clearance, or at any time during the voyage, shall not have on board such boats and life-buoys, and such adequate means for making signals by night, and for extinguishing fire, as hereinbefore required; or if any "passenger ship" shall proceed to sea without being properly manned, or shall have on board as cargo, or as ballast, any articles by this act prohibited, or any articles likely, by reason of their nature or quality, to endanger the health or lives of the passengers, or the safety of the ship, as hereinbefore mentioned; or if any part of the cargo, or of the provisions, water, or stores, shall be carried on the upper deck, or on the "passengers' decks," contrary to the provisions of this act; or if in any "passenger ship," at any time during the voyage, water and provisions of the description, quantity, and quality, required by or under this act, shall not be issued in the quantities and in manner hereinbefore required; or if bad or unwholesome provisions be issued to any passenger contrary to the requirements of this act; or if the water shall not be carried in such tanks or casks as hereinbefore required; or if, in the cases respectively hereinbefore mentioned, there shall not be on board of any "passenger ship" at the time of clearance, and at all times during the voyage, such passengers' steward, and such passengers' cook or cooks, as the case may be, and such place for cooking and cooking apparatus, as hereinbefore required; and such duly qualified medical practitioner, as hereinbefore required; or if there shall not be on board of any "passenger ship" such medicines, disinfecting fluid or agent, instruments, and medical apparatus, and such printed or written directions for the use of the same respectively, as may at any time be required by or under the provisions of this act; or if any "passenger ship," except as hereinbefore provided, shall clear out or proceed to sea before such medical inspection of the medicines and passengers shall have taken place, and such certificate of the medical inspector shall have been granted, as hereinbefore required; or if any diseased person on board of any "passenger ship," or the members

of his family, shall not be relanded, as hereinbefore required; or if any passenger shall, without his previous consent, be landed at any place other than the place at which he may have contracted to land; or if any passenger shall not be allowed to sleep and be maintained on board the ship after arrival, for the period and in manner hereinbefore provided; or if there shall not be kept on board a copy of this act, or if the same shall not be produced on demand, as hereinbefore required.

LXXI. And whereas certain forms are from time to time issued by the said colonial land and emigration commissioners, for the use of persons applying to them, or to persons acting under their authority, for passages from the United Kingdom to the British colonies, wholly or partially at the expense of British or colonial funds: And whereas it is expedient to afford additional security against false representations in such forms, and in any certificate of marriage, baptism, or otherwise adduced in support thereof, and against the forging or fraudulently altering of any signature or statement in such forms or certificates, and against personation: Be it therefore enacted, That if any person shall wilfully make any false representation in any such form or certificate as aforesaid, or shall forge or fraudulently alter any signature or statement in any such form or certificate, or shall personate any person named in any such form or certificate, or in any embarkation order issued by or under the authority of the said commissioners, such person shall be liable for and in respect of each and every such offence on such conviction, as hereinafter mentioned, to a penalty not exceeding fifty pounds, nor less than two pounds sterling.

LXXII. All penalties and forfeitures imposed by this act shall be sued for in the United Kingdom by any emigration officer or his assistant, or by any collector or comptroller of her Majesty's customs, or by any other officer of her Majesty's customs authorized in writing by the commissioners of her Majesty's customs to sue for penalties and forfeitures under this act, and in any of her Majesty's possessions abroad by any government emigration agent, or by any such collector or comptroller of customs, or other officer of customs so authorized as aforesaid, or by any officer authorized to sue for penalties and forfeitures under this act by writing under the hand and seal of the governor of any such possession, and the commissioners of her Majesty's customs and every such governor, are hereby respectively empowered to grant such authority as aforesaid; and all sums of money made recoverable by this act, as return of passage money, subsistence money, or compensation, may be sued for and recovered by and for the use of any passenger entitled thereto under this act, or by any of such officers as aforesaid, for and on behalf and to the use of any such passenger, or any number of such passengers respectively, and in any case, either by one or several informations or complaints.

LXXIII. All penalties and sums of money by this act made recoverable shall and may be sued for and recovered before any two or more justices of the peace acting in any part of her Majesty's dominions or possessions in which the offence shall have been committed or the cause of complaint shall have arisen, or in which the offender or party complained against shall happen to be, or acting in any county, or borough,

or place, adjacent to any navigable river or inlet of the sea on which such offence shall have been committed or cause of complaint have arisen; and upon information or complaint made before any one justice of the peace acting as aforesaid, he shall issue a summons, according to the form in the schedule (J) hereto annexed, requiring the party offending or complained against to appear at a time and place to be named therein; and every such summons shall be served on the party offending or complained against, or shall be left at his last known place of abode or of business, or on board any ship to which he may belong; and if such party shall not appear accordingly, then (upon proof of the due service of the summons by delivering the summons or a copy thereof to the party, or at his last known place of abode or of business, or on board any ship to which he may belong, to the person in charge of any such ship,) any two of such justices so acting as aforesaid, may either hear and determine the case in the absence of the party, or either of them may issue his warrant for apprehending and bringing such party before them or any two justices so acting as aforesaid; or the justice before whom the charge shall be made, if he shall have reason to suspect, from information upon oath, that the party is likely to abscond, may issue such warrant in the first instance, without any previous summons; and either upon the appearance of the party offending or complained against, or in his absence as aforesaid, any two of such justices so acting as aforesaid may hear and determine the case, either with or without any written information or complaint; and upon proof of the offence, or of the complainant's claim, (as the case may be,) either by confession of the party offending or complained against, or upon the oath of one or more credible witness or witnesses (and the justices are hereby authorized to summon and swear any witnesses who may be deemed necessary,) it shall be lawful for such justices so acting as aforesaid to convict the offender, or adjudicate upon the complaint, (such conviction or adjudication to be drawn up according to one of the forms of conviction or adjudication contained in schedule (K) hereto annexed, or as near thereto as the circumstances of the case will admit,) and upon every such conviction to order the offender to pay such penalty as they may think proper, not exceeding the penalties hereinbefore imposed, and upon every such adjudication to order the party complained against to pay to the party suing for the same the sum of money sued for, or so much thereof as such justices shall think the complainant justly entitled to, together with, in every case, the costs of the proceedings; and if the moneys and costs mentioned in such conviction or adjudication be not paid immediately or within the time limited thereby, it shall be lawful for any two of such justices so acting as aforesaid, by warrant, (and although the written order of conviction or adjudication, or any minute thereof, may not have been served) to cause the party offending to be committed to gaol, there to be imprisoned, with or without hard labor, according to the discretion of such justices, for any term not exceeding three calendar months, unless such moneys and costs be sooner paid and satisfied: provided always, that in all proceedings taken under this act for which no form is herein expressly provided, it shall be lawful to use forms similar, as nearly as circumstances will admit, to those contained in the schedule to an act

passed in the session of Parliament holden in the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three.

LXXIV. Every police or stipendiary magistrate, and in Scotland every sheriff or steward and sheriff substitute or steward substitute of a county or stewartry within his own county or stewartry, shall have such and the like powers, privileges, and functions, and be entitled to exercise such and the like jurisdiction under this act, as any justice or two justices, or justices at petty sessions, have or is or are entitled to exercise under the provisions of this act; and all acts, matters, and things competent to be done under the provisions of this act by or before any justice or two justices of the peace, or justices at petty sessions, or otherwise, may be done by and before any police and stipendiary magistrate, and in Scotland by and before any sheriff or steward or sheriff substitute or steward substitute within his own county or stewartry.

LXXV. No objection shall be taken or allowed to any complaint, information, summons, or warrant under this act, for any alleged defect therein, either in substance or in form, or for any variance between such complaint or information and the evidence adduced on the hearing thereof; but if any variance shall appear to the justice or justices present and acting at such hearing to be such that the party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such justice or justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day, and in the mean time to commit the defendant to such safe custody as the said justice or justices may think fit, or to discharge him upon his recognizance, with or without sureties, to appear at such time and place as may be appointed: no conviction, order, adjudication, or other proceeding under or in pursuance of this act shall be quashed or vacated for want of form.

LXXVI. All penalties imposed by this act shall, when recovered, be paid to the party at whose suit the same shall have been recovered, for the use of her Majesty and her successors, and if recovered in the colonies shall be paid over by the party receiving the same into the colonial treasury, and shall form part of the general revenue of the colony, and if recovered in the United Kingdom, shall be paid over to the colonial land and emigration commissioners, if the party at whose suit the same shall have been recovered be an emigration officer, or his assistant, and to her Majesty's commissioners of customs, if the party at whose suit the same shall have been recovered be an officer of customs, to be by such colonial land and emigration commissioners and commissioners of customs respectively duly accounted for; and all such penalties as may be recovered in the United Kingdom shall be appropriated to such purposes and in such manner as the lord high treasurer or the commissioners of her Majesty's treasury may from time to time direct and appoint: provided always, that it shall be lawful for the justices of the peace, who shall impose any such penalty, at the same time to direct, if they shall think fit, that a part, not exceeding one moiety thereof, be applied to compensate any passenger for any wrong or damage which he may have sustained by the act or default in respect of which such penalty or forfeiture shall have been imposed.

LXXVII. If in any suit, action, prosecution, or other legal proceed-

ing under this act, any question shall arise whether any ship was or was not exempted from the provisions of this act, or any of them, the burden of proving that such ship was so exempted shall lie on the party claiming the benefit of the exemption, and failing such proof it shall for any such purpose as aforesaid be taken and adjudged that the ship did come within the provisions of this act; and it shall not be necessary, in any information, complaint, or other process or proceeding, to negative any exemption, proviso, or condition contained in any section of this act on which such information, complaint, or other process or proceeding shall be framed, neither shall it be necessary for the complainant to prove the negative, but the defendant may prove the affirmative thereof, if he will have advantage of the same.

LXXVIII. If in any proceeding before any justice or justices of the peace, under this act, or upon any action, suit, or other proceeding whatsoever, against any person, for anything done either contrary to or in pursuance of this act, a question should arise whether any person is an emigration officer or assistant emigration officer, or an officer of customs, *vivâ voce* evidence may be given of such fact by the officer himself, and shall be deemed legal and sufficient evidence.

LXXIX. Any passenger suing under this act for any sum of money made recoverable by this act as passage money, subsistence money, or compensation, shall not be deemed an incompetent witness in any proceeding for the recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own use and benefit.

LXXX. No plaintiff shall recover in any action against any emigration officer, his assistant, government emigration agent, or officer of customs, or other person, for anything done in pursuance of this act, if tender of sufficient amends shall have been made before such action brought, or if, after action brought, a sufficient sum of money shall have been paid into court, by or on behalf of the defendant.

LXXXI. No action or suit shall be commenced against any emigration officer, his assistant, government emigration agent, officer of customs, or other person, for anything done in pursuance of or under the authority of this act, until ten clear days' notice has been given thereof in writing to the officer, agent, or person as aforesaid, against whom such action or suit is intended to be brought, nor after three calendar months next after the act committed, for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other place; and the defendant in such action or suit may plead the general issue, and give this act and any special matter in evidence, at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this act, or if it shall appear that such action or suit was brought before ten clear days' notice thereof, given as aforesaid, or if any action or suit shall not be commenced within the time hereinbefore limited, or shall be brought or laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuited, or suffer a discontinuance of such action, or if upon any demurrer in such action, judgment shall be given for the defendant thereon, then

and in any of the cases aforesaid such defendant shall and may recover full costs of suit as between solicitor and client, and shall have such remedy for recovering the same as any defendant may have for his costs in any other case by law.

LXXXII. Where no time is expressly limited within which any complaint or information is to be made or laid for any breach or non-performance of any of the requirements of this act, the complaint shall be made or the information laid within twelve calendar months from the time when the matter of such complaint or information respectively arose, or in case the master of any ship is the offender or party complained against, within twelve calendar months next after his return to the country in which the matter of complaint or information arose.

LXXXIII. And whereas it is expedient to provide in certain cases for the carriage of passengers by sea from her Majesty's possessions abroad: Be it therefore enacted as follows: For the purposes of this act the term "colonial voyage" shall signify any voyage from any port or place within any of such possessions (except the territories under the government of the East India Company) to any port or place whatever, of which the duration, to be prescribed as hereinafter mentioned, shall exceed three days.

LXXXIV. This act shall apply, so far as the same is applicable, to all ships carrying passengers on any such "colonial voyage," except as to such parts of the act as relate to the following matters; (that is to say:)

1. To passage brokers and their licenses.
2. To passengers' contract tickets.
3. To the giving bond to her Majesty.
4. To the keeping on board a copy of this act.
5. To orders in council prescribing rules for cleanliness, order, and ventilation:

Provided, that if the prescribed duration of any "colonial voyage" be less than three weeks, then, in addition to the matters lastly hereinbefore excepted, the provisions of this act shall not extend or apply so far as they relate to the following subjects, (namely: ) The construction or thickness of the decks; the berths and berthing; the height between decks; privies; hospitals; light and ventilation; manning; passengers' stewards; passengers' cooks and cooking apparatus; the surgeon and medicine chest; the maintenance of passengers for forty-eight hours after arrival: provided also, that in the case of such "colonial voyages" whereof the prescribed duration is less than three weeks, the requirements of this act respecting the issue of provisions shall not, except as to the issue of water, be applicable to any passenger who may have contracted to furnish his own provisions.

LXXXV. It shall be lawful for the governor of any of her Majesty's possessions abroad, by any proclamation to be by him from time to time issued for that purpose, (which shall take effect from the issuing thereof) to declare what shall be deemed for the purposes of this act to be the length of the voyage of any ship carrying passengers from such possession to any other place whatsoever, and to substitute for the articles of food and provisions specified in this act such other articles of food and provisions as he shall deem to be a full equivalent for the

same, and also to declare what medicines, medical instruments, and other matters shall be deemed necessary for the medical treatment of the passengers during such "colonial voyage." Every such proclamation shall be transmitted, by the governor by whom the same may have been issued, to her Majesty, through one of her Majesty's Principal Secretaries of State, for her Majesty's confirmation or disallowance; and a copy of any such proclamation, purporting to be under the hand of the governor of the colony wherein the same may have been issued, and under the public seal of such colony, shall in any other colony wherein the same shall be so produced be received as good and sufficient evidence of the issuing and of the contents of such proclamation, unless it shall be proved that such copy is not genuine.

LXXXVI. It shall be lawful for the governors of any such possessions respectively to authorize such person or persons as they may think fit to make the like survey and examination of "passenger ships" sailing from such possessions respectively, as is hereinbefore required to be made by two or more competent surveyors in respect of "passenger ships" sailing from the United Kingdom, and also to authorize in such cases, as to such governors may seem proper, any competent person to act as medical practitioner on board any "passenger ship" proceeding on a "colonial voyage."

LXXXVII. This act shall not apply to any of the territories or places under the government of the East India Company. It shall, however, be lawful for the Governor General of India in council, from time to time by any act or acts to be passed for that purpose, to declare that this act, or any part thereof, shall apply to the carriage of passengers upon any voyage from any ports or places within such territories, to be specified in such act or acts, to any other places whatsoever, to be also specified in such act or acts; and also in like manner to authorize the substitution, as respects such voyages, of other articles of food and provisions for those hereinbefore enumerated; and to declare the rule of computation by which the length of any such voyage shall be estimated; and to determine the persons or officers who in such territories shall be entitled to exercise or perform the powers, functions, or duties hereinbefore given to or imposed upon the emigration officers and officers of customs in the United Kingdom; and to authorize the employment on board any ship of a medical practitioner duly qualified by law to practise as a physician, surgeon, or apothecary within such territories; and to declare for the purposes of this act the space necessary for passengers, and the age at which two children shall be considered equal to one statute adult, in ships that may clear out from any port or place within such territories; and also to declare in what manner and before what authorities, and by what form of proceedings, the penalties imposed and the sums of money made recoverable by this act, shall be sued for and recovered within such territories, and to what uses such penalties shall be applied. And on the passing of such Indian act or acts, and whilst the same shall remain in force, all such parts of this act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian act or acts shall be specified; and the same shall be enforced in all her



Majesty's possessions in like manner as the provisions of this act be enforced. Every such Indian act shall be subject to disallowance and repeal, and shall in the same manner be transmitted to England to be laid before both houses of Parliament, as in the case of any other law made by the Governor General in council.

LXXXVIII. The master of every ship bringing passengers into the United Kingdom from any port or place out of Europe shall, within twenty-four hours after arrival, deliver to the emigration officer or his assistant, or, in their absence, to the chief officer of customs at the port of arrival, a correct list, signed by such master, and specifying the names, ages, and callings of all the passengers embarked, and also the port or ports at which they respectively may have embarked, and showing which, if any of them, may have died or have been born during the voyage; and if any master shall fail so to deliver such list, or if the same shall be wilfully false, he shall, on conviction, as hereinbefore mentioned, be liable to a penalty not exceeding fifty pounds.

LXXXIX. If any ship bringing passengers into the United Kingdom from any place out of Europe shall have on board a greater number of persons or statute adults than in the proportions respectively prescribed in the twelfth section of this act for ships carrying passengers from the United Kingdom, the master of such ship shall be liable, on such conviction as hereinbefore mentioned, to a penalty not exceeding five pounds nor less than two pounds for each such person or statute adult constituting any such excess.

XC. The master of every passenger ship bringing passengers into the United Kingdom from any place out of Europe, shall make to each statute adult during the voyage, including the time of detention, if any, at any port or place before the termination thereof, issues of pure water and of good and wholesome provisions in a sweet condition, in quantities not less in amount than is prescribed in the thirty-second section of this act for passengers proceeding from the United Kingdom; and in case of any default herein, the master of such ship shall, on such conviction as hereinbefore mentioned, be liable for each offence to a penalty not exceeding fifty pounds.

XCI. The schedules to this act shall be deemed to be part of this act, and all the marginal or other directions therein shall be duly followed and enforced, under a penalty not exceeding ten pounds on the person failing to obey the same respectively.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*In compliance with a resolution of the Senate, copies of the correspondence in relation to the arrest, at Bremen, of Conrad Schmidt, a naturalized citizen of the United States, and the arrest, at Heidelberg, of E. T. Dana and other citizens of the United States; also, copies of the correspondence with the King of Prussia on the subject of religious toleration.*

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MAY 8, 1854.—Ordered to lie on the table and be printed.

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*To the Senate of the United States:*

I transmit, herewith, a report from the Secretary of State, with accompanying documents, in compliance with a resolution of the Senate of the 12th ultimo.

FRANKLIN PIERCE.

WASHINGTON, May 5, 1854.

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DEPARTMENT OF STATE,  
Washington, May 5, 1854.

The Secretary of State, to whom was referred the resolution of the Senate of the 12th ultimo, requesting the President "to communicate to the Senate (if not, in his opinion, incompatible with the public interest) copies of the correspondence of Mr. Barnard, late minister of the United States in Prussia, with the United States consul at Bremen, and of that consul with the government of Bremen, relative to the case of Mr. Conrad Schmidt, a naturalized citizen of the United States, arrested at Bremen and detained there upon a requisition from the government of Hanover, claiming Schmidt as a subject of that kingdom;

"Also, a copy of a letter addressed by Mr. Barnard, while minister of the United States at Berlin, to his Majesty, the king of Prussia, in October, eighteen hundred and fifty-two, on the subject of religious toleration, and of a dispatch addressed by Mr. Barnard to the Department of State in reference thereto;

"Also, copies of the correspondence of the legation of the United States at Berlin with the minister of the Grand Duke of Baden, at Berlin, in regard to the arrest and maltreatment of E. T. Dana, W. B. Dingle, and Dr. Ramsay, citizens of the United States, at Heidelberg,

in the Grand Duchy of Baden," has the honor to lay before the President a copy of the documents called for by the resolution and specified in the accompanying list.

Respectfully submitted.

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

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*List of documents accompanying the report of the Secretary of State to the President, of the 5th of May, 1854.*

Mr. Barnard to Mr. Everett, with accompaniments, February 1, 1853.

Same to same, with an accompaniment, January 31, 1853.

Mr. Fay to Secretary of State, (extract,) with accompaniments, November 22, 1852.

Mr. Barnard to same, with accompaniments, March 15, 1853.

Same to Mr. Marcy, (extract,) with accompaniments, March 29, 1853.

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No. 103.

*Mr. Barnard to Mr. Everett.*

LEGATION OF THE UNITED STATES,  
*Berlin, February 1, 1853.*

SIR: I have the honor to transmit to you herewith a copy of a correspondence which has lately passed between myself and Mr. King, consul of the United States at Bremen, in regard to Mr. Conrad Schmidt, a naturalized citizen of the United States, arrested and detained at Bremen upon a requisition from Hanover, claiming Schmidt as a subject of that kingdom, and demanding that he should be surrendered to her for service in her army.

The case admitted of no delay, as Bremen had refused to deliver up Schmidt on the consul's demand, and declared that he must be surrendered to Hanover. In my letter to Mr. King, intended for the government of Bremen, I did not hesitate to take strong and decided ground. I call the attention of the department to this letter. The positions I have assumed are important, and I shall be gratified to learn that they are such as the government of the United States may feel itself able to approve and maintain.

Mr. Schmidt, it will be seen, was promptly set at liberty upon the receipt of my letter.

I have the honor to be, with the highest respect, your obedient servant,

D. D. BARNARD.

The Hon. EDWARD EVERETT,  
*Secretary of State.*

*Mr. King to Mr. Barnard.*

CONSULATE OF THE UNITED STATES,  
*Bremen, January 25, 1853.*

SIR: Enclosed I beg leave to hand you copies of correspondence I have had with this government in consequence of the arrest, yesterday, of Conrad Schmidt, of Savannah, Georgia, a citizen of the United States, holding a passport from the Department of State, upon a requisition from Hanover Amt Lesum. Schmidt can prove that he had been two years a resident of the United States at the time (1841) when military service, it seems, was required. I hope what I have done meets your approval. Please advise me what further steps I shall take in this matter.

Would it not be well that you address the government of Hanover immediately, urging his discharge, as it is probable he will be surrendered by this republic of Bremen?

With assurances of my high regard and esteem, I have the honor to be your obedient servant,

RALPH KING.

His Excellency D. D. BARNARD, *Minister, &c.*

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*Mr. King to the Senator Olbers, at Bremen.*

CONSULATE OF THE UNITED STATES,  
*Bremen, January 24, 1853.*

SIR: Mr. Conrad Schmidt, a citizen of the United States, holding a passport from the Department of State, Washington, 19th April, 1852, has this day been arrested by your police, on a requisition from the government of Hanover, for military service due in the year 1841. I deny the right of the government of Hanover, under such circumstances, to arrest a citizen of the United States, while in the territory of the republic of Bremen, and must urge upon you the necessity of his *immediate* discharge from prison. If not released *this day*, please take notice that damage for illegal arrest and imprisonment will be demanded to the amount of *five hundred dollars*, Bremen currency.

Embracing the present occasion of assuring you of my high consideration, I have the honor to be your most obedient servant,

RALPH KING.

Hon. Senator G. OLBERS,  
*Director of Police, Bremen.*

[Translation.]

*Senator Olbers to Mr. King.*

BREMEN, January 24, 1853.

**MOST HONORED CONSUL:** I have received your letter of this day, informing me of the arrest of Conrad Schmidt on the requisition of the Hanoverian authorities of Amt Lesum, and regret that it is not in my power to set him at liberty according to your wishes. I am obliged to comply with the requisition of the Hanoverian government, and, therefore, I can only advise you to address yourself to the authorities at Amt Lesum, or to the government of the king of Hanover.

I avail myself of this occasion, most honored consul, to present you my highest respects.

G. H. OLBERS,  
*Senator, Director of Police.*

MR. RALPH KING,  
*Consul of the United States of America, at Bremen.*

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*Mr. King to the Burgomaster Dr. Smidt.*

CONSULATE OF THE UNITED STATES,  
*Bremen, January 25, 1853.*

**SIR:** I beg leave to submit to your magnificence the enclosed copy of a letter I addressed to the director of police, Senator Dr. Olbers, in the case of the arrest of Conrad Schmidt, a citizen of the United States, upon a requisition from the Amt Lesum, Hanover, for military service in 1841. Senator Olbers, in his reply, declines to discharge the prisoner, and refers me to the government of Hanover, as to that government he will be delivered.

Against this proceeding I do most respectfully protest, and appeal to you. I have nothing to do with the government of Hanover in the matter. M. Schmidt is a citizen of the United States, protected by a passport from the Department of State in Washington. He has been arrested in the city of Bremen without just cause, now confined in prison, and the government of the United States will look to the government of Bremen to redress all damages or losses sustained by the said C. Schmidt in these proceedings.

Mr. Schmidt can produce proof that he emigrated to the United States in 1839; that he never was in the Hanoverian army, and at the date, 1841, in which the claim for military service is demanded, he was, and had been, two years a resident of the United States.

Assuring your magnificence of my high respect and esteem,  
I have the honor to be, sir, your most obedient servant,

RALPH KING.

To His Magnificence, Burgomaster Dr. SMIDT,  
*President, &c., &c., Bremen.*

*Mr. Barnard to Mr. King.*

LEGATION OF THE UNITED STATES,

*Berlin, January 26, 1853.*

SIR: You inform me that Mr. Conrad Schmidt, a citizen of the United States, furnished with a passport, as such citizen, by the Department of State, at Washington, under date of the 19th of April, 1852, has been arrested and is held in confinement in the city of Bremen, by the authorities of that republic. You inform me that the pretext for this arrest is a requisition made on the republic of Bremen by an official person in the kingdom of Hanover, upon some claim that Mr. Schmidt owes military service to that kingdom. And you inform me further, that the purpose has been expressed by the government of Bremen, or some functionary of that government, in spite of your protest against such an act, of delivering up Mr. Schmidt to the authorities of Hanover.

The urgency of the case would prevent me from entering, at this moment, into any elaborate argument on the subject of the arrest of Mr. Schmidt, and his proposed surrender to Hanover, even if such an argument could be supposed necessary. Happily, the case seems to me to admit of a very plain statement, and an easy solution.

It will not, I suppose, be denied, or questioned, that Mr. Schmidt is now an American citizen. He bears with him the proof of that fact in a document which the government of Bremen is bound to respect. In becoming an American citizen he has renounced, by solemn oath, all allegiance to any and every other country and government. If there is a conflicting claim elsewhere to his allegiance, that is a question into which the government of Bremen has no right to enter. His residence and domicil are in the United States and not elsewhere. He comes from the United States to Bremen; he comes covered, by the government of that country, with its official protection; and, as between these two countries, Bremen has no right to look beyond the character in which he presents himself as an American citizen. Whether he does or does not still owe a qualified allegiance or duties elsewhere, is no matter of concern to Bremen; that is a question which rests exclusively between the government of the United States and the government which may make such claim. In Bremen Mr. Schmidt is an American citizen as much as if he was in the United States at the moment. In Bremen he is a foreigner; not a foreigner from Hanover, but a foreigner from the United States, and as such he is entitled to the full measure of that "special protection to the persons and property" of American citizens in that republic, which is guaranteed by the eighth article of the treaty of 1827, between the United States and the Hanseatic republics.

It seems, however, that Bremen is disposed at last to entertain the question of the claim of Hanover to the person of Mr. Schmidt; but if it was proper for Bremen to consider this question at all, she could hardly fail to perceive, that the demand of Hanover to her for the surrender of Mr. Schmidt, rests on an assumption wholly unfounded and illusory: that assumption is, that Hanover, of which country this man seems to have been originally a citizen, and which may not have assented to his emigration, has a claim upon him in conflict with that of

the United States, notwithstanding the fact that he is, and while he actually is, beyond her proper territory and jurisdiction. This is an assumption which cannot be admitted for a moment; the truth is just the contrary.

No question of any conflicting claims between the United States and Hanover to the allegiance of this man—if any such question can exist at all—could ever arise except in the single case of his being actually found within the proper territories of Hanover. Everywhere else, as well without as within the United States, in whatever other country of the world he may be found, so long as his relations to the United States remain unchanged, he is a citizen of the United States, and no country or government in the world, while he remains outside of Hanover, has any right to question that citizenship. Hanover herself, in that case at least, has no right to question it.

The claim which Hanover prefers to military service from Mr. Schmidt, is founded, it is presumed, on the notion that the allegiance of the subject cannot be renounced without the consent of the sovereign. Into that subject I do not here enter; but I remark, that this notion of perpetual and indissoluble allegiance, and of the sovereign prerogative which is supposed to attach to it, true or false, just or unjust, is not the law of the world; it forms no part of the code of public or national law. If there be such a law in Hanover, it is the law of Hanover; it is Hanoverian law, and not public or national law; and as Hanoverian law it can have no force beyond her own dominions. Every law of a State stops at the territorial boundaries of that State; it can proceed no further; it cannot invade another State. The prerogatives of the crown of Hanover, as laws of the State, whatever they may be, can have no force or obligation over persons or property beyond the limits of Hanover.

Mr. Schmidt, in Bremen, is as much beyond the territorial jurisdiction of Hanover as if he was in the United States; and being there in the character of a citizen of the United States, with unquestioned proofs of citizenship, if Hanover stretches the law of her prerogative over him in that republic, and thus draws him within her own territorial limits, which she can only do by the free assent of Bremen, I must not hesitate to declare, that such assent of Bremen, to such a measure, cannot fail to be regarded as a serious offence to the United States.

Bremen has no right to make herself the instrument for enabling Hanover thus to extend her prerogatives and laws, so as to reach this citizen of the United States, beyond her proper jurisdiction.

It is of no consequence in this case what mutual rights or duties may rest upon Hanover or Bremen in regard to the extradition of persons from one of these States to the other, on demand. Let it be remembered all the while, that Mr. Schmidt, so long, at least, as his foot does not touch the soil of Hanover, is a citizen of the United States, upon whose allegiance no other power on earth can make any just claim. No claim to his allegiance, for any practical purpose, does or can arise to Hanover, if it could ever arise at all, except when he should have actually returned within her territorial jurisdiction. Until his foot actually presses her soil, the royal prerogative, as a law of the State, challenging his allegiance, or any service founded on it, can no more

attach to him, or touch him, even if then it could do so, than if he had been born in America, and had never been in Hanover in his life. There is no other foundation for the assertion of this supposed right of sovereignty over a person situated as Mr. Schmidt is, but what may rest on the fact of his being found within the territorial limits of such sovereignty.

By what right then can Bremen undertake to surrender this person to Hanover? He is not to be confounded with criminals, or offenders, such as Hanover might demand, and Bremen might be bound to deliver up. Names must not deceive us. If Mr. Schmidt emigrated from Hanover without consent of the sovereign, having made that act definitive by becoming the subject of another State, he sundered the original tie between subject and sovereign, so long, at least, as he keeps himself beyond the limits of Hanover, as effectually as if the consent of the sovereign had been given him to emigrate. Henceforth, whatever may be the theoretic notion of a subsisting allegiance to his native sovereign, the assertion of the prerogative of sovereignty over him must, at least, be postponed to the period when, if ever, he may again be found within the actual jurisdiction of that sovereignty. Now Hanover may call this severance of the tie between subject and sovereign, without her consent, an offence. But, in its very nature, if an offence at all, it is one in regard to which she can take no action against the person of the emigrant, until his return within her limits. Out of those limits his unquestioned allegiance is due elsewhere. In the meantime, though she may look upon the act of Mr. Schmidt as an offence, it is not one which other nations or States are bound to regard as such.

The United States do not and will not regard it as such. That country receives the emigrant, come from what quarter of the earth he may, and after a sufficient probation she admits him to citizenship. In this she is rendering quite as much benefit to Europe as she receives in her turn. She is serving by it the cause of humanity. And among the hundreds of thousands who press annually to her shores, she does not stop to ask if one or another of the number may have left his native home and country without leave of the sovereign authority. It is enough for her that emigration was not prevented; and she allows the emigrant, at a proper time, to complete the severance of his primary allegiance by becoming a citizen in his new home. From that time she owes him protection. And if the country from which he came has any claim to set up to his allegiance or his services, she will see that claim shall rest in abeyance, at least until he may be found in his native land. Not deeming the act of emigration criminal, she will claim him as her citizen, wherever he may be, at least if beyond the boundaries of the country of his birth. And she will not consent that any third power shall consider or treat him otherwise than as her citizen.

But besides; whatever pretence there may be of offence on the part of Mr. Schmidt, in his act of emigrating from Hanover, we must not shut our eyes to the real truth of the case. If Hanover demands the person of this man from Bremen, it is merely that she may impress him into the ranks of her army, to perform there that tour of military service which he failed to perform at the prescribed period, and which *she may claim as due from the fact that he was born in that kingdom.*



It is not, in point of substantial truth, a demand for his surrender as an offender, but only that she may thus be in a situation to exact from him the performance of military service. But this is a mode of getting possession of his person, to which it is not easy to see how Bremen is either bound or has any right to become a party. Certain it is, the United States could never consent to her doing so.

Whatever the United States may be prepared to yield, if anything, in regard to their naturalized citizens, to those governments who maintain, among their prerogatives and laws, the notion of the perpetual allegiance of their subjects, I do not hesitate to declare that, at least, they will insist that in no case shall the prerogatives and laws based on this notion have any practical operation beyond the territorial limits of the country where that doctrine prevails. Certainly they will never consent that the interfering claims of another country on her naturalized citizens shall be so extended that such citizens may be seized, upon such claims, beyond the proper limits of that country, whether by its own proper force or by the act or instrumentality of a third power.

You are requested to bring this communication to the notice of the government of Bremen by furnishing a copy. I hope it may be received by you and presented while Mr. Schmidt is still under the control of that government, and in time to prevent his surrender to Hanover. If, unhappily, it should be otherwise, and Mr. Schmidt should have been already given up to Hanover, you are still requested to lay this communication before the government of Bremen.

If this man is surrendered after your protest against that act, the government of Bremen must understand that it is at its hands that the government of the United States must demand his unconditional release and restoration. If, by its act, this citizen of the United States, who, within its territories, ought to have been as secure from arrest at the instance of Hanover, claiming from him military service, as he would have been in the United States, falls under the power of Hanover, the least that can be demanded of Bremen is that she shall cause Hanover, in whose behalf and interest she has acted, to re-deliver him, so that he may be put immediately at liberty.

I have the honor to be, with great respect, your obedient servant,  
D. D. BARNARD.

RALPH KING, Esq.,  
*Consul of the United States at Bremen.*

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*Mr. Barnard to Mr. King.*

LEGATION OF THE UNITED STATES,  
*Berlin, January 27, 1853.*

SIR: Your letter of the 25th instant, in reference to the matter of Conrad Schmidt was received yesterday.

I have lost no time in drawing up a communication on the subject. It is addressed to you, and contains a request that you should lay it before the government of Bremen. I have thought it better to forward

this paper to you, than directly to that government. No difficulty, I suppose, can be made in its being received and considered. By presenting it, you may regard yourself as adopting it, and making the argument and view your own.

If the case was not so urgent, I should not have undertaken to give you what may be regarded in the light of instructions in a matter of such serious importance. I should have preferred that the Department of State should first have been heard on the subject.

You will see that in the conclusion, I propose to hold Bremen responsible for this man. In the case there supposed, it will be proper that you should accompany the presentation of this paper with a formal demand on the government of Bremen, made in your own name, to the effect there stated. It is best that Bremen should understand that the United States look to her for the restoration of Schmidt. I will consider afterwards what to say to Hanover, if anything, in case Schmidt has been surrendered.

I shall wish to hear what has been, or shall be done, at Bremen in this matter.

I have the honor to be, with great respect, your obedient servant,

D. D. BARNARD.

RALPH KING, Esq., Consul, &c.

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*Mr. King to Mr. Barnard.*

BREMEN, January 27, 1853.

MY DEAR SIR: Since advising you officially, two days ago, of the arrest of the United States citizen C. Schmidt, upon the requisition of the government of Hanover, I have been informed that his friends in this city, anxious for his release from prison, offered to give full bail, that he should be delivered *up to the police of Bremen* whenever required; this was refused, but an offer made them, that he would be discharged upon bail of 500 thalers, provided he would deliver himself up to *Amt Lesum, Hanover*. I made inquiry of the director of police as to the truth of this statement, and annexed you have copy of his reply. Now, it seems to have been well known to the government of Bremen, at the time of the arrest, that it was a matter of money, and as I had protested against his delivery to Hanover, they might accomplish indirectly, through the medium of his friends, what they may otherwise hesitate in effecting. I called yesterday upon the President of the Republic and urged him to grant the application of Schmidt's friends, as it would require some days before the right of which government to Schmidt would prevail, having already advised you of the case, and waited your instructions. This he promised to refer to a meeting of the Senate last evening, and they have decided against granting it without the consent of Amt Lesum.

The government of Hanover, in demanding the arrest of Schmidt, require 500 thalers, or his body. The friends of Schmidt offer this sum *to the Bremen police to deliver his body in Bremen, whenever the*

police demand him. This the police refuse to a citizen of the United States fully protected with a passport.

If the government of Bremen is permitted with impunity to arrest and annoy any persons who have committed no crime or wrong while properly protected by a United States passport, it would be needless to grant passports.

Mr. Schmidt, in July last, presented his passport in my consulate. Ever since that time—six months—he has been at Lesum and Bremen, without being molested, but, on Sunday last, he married a lady having some little property. He was arrested the day after, in hopes the money could be forced from his wife in this way.

I have just been advised of another United States citizen similarly situated, now sought after by Hanover, and it is possible he may reach me. In my house he *should be safe* from arrest; but the reactionary feeling of Germany is strong in Bremen, and the policeman, in hopes of getting an Austrian order, (as is the case with one of the Bremen police officers, having had such a present,) may attempt to arrest him in my house. Such would be an indignity to my flag, and in that event what course would you advise me to pursue.

I think it highly probably the individual alluded to may this evening seek protection in my house.

I would be greatly obliged by an early reply, and remain most truly yours,

RALPH KING.

His Excellency D. D. BARNARD, *Minister, &c.*

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[Translation.]

*Senator Olbers to Mr. King.*

BREMEN, January 26, 1853.

**MOST HONORED CONSUL:** I have had the honor to receive your communication of the 25th instant, asking for information relative to a statement of Conrad Schmidt, that he has offered to give bail and was refused, and I have the honor to say to you in reply, as follows:

The Hanoverian authorities at Amt Lesum have declared in their requisition, that if said Schmidt would promise to appear, of his own free will, before them at Amt Lesum, the director of the police was requested to set him at liberty, on his depositing in cash the sum of 500 thalers, with directions to proceed, without loss of time, to Amt Lesum. This offer was made to the friends of Conrad Schmidt as well as to himself; but neither of them would agree to the conditions. The director of police, therefore, who only acts under the instructions of the authorities at Amt Lesum, is not at liberty to take any other securities than those required by said authorities of Lesum.

I have the honor to assure you, most honored consul, of my very high regard.

G. H. OLBERS, *Senator, Director of Police.*

Mr. RALPH KING,

*Consul of the United States of America at Bremen.*

*Mr. Barnard to Mr. King.*

LEGATION OF THE UNITED STATES,  
*Berlin, January 29, 1853.*

SIR: I am encouraged to hope, by what I see in your letter of the 27th instant, that my communication in regard to the matter of C. Schmidt, may come to hand and be presented to the government of Bremen, while it will be still in its power to set him at liberty. The condition of releasing him from confinement, exacted at Bremen, namely: that he will promise and give security to surrender himself to Hanover, ought by no means to be yielded to.

In regard to the suggestion you make involving the question of consular privileges, I have to remark, that a consul in christian countries is not regarded as entitled to the privileges of a public minister, nor as being under the special protection of the laws of nations. If you have an American citizen in your house, and under your consular flag, the government of Bremen ought to be well advised before it should attempt to force him from your possession. Comity requires that a certain respect should be paid to your domicil, though it may not be claimed to be inviolable in the same sense as the domicil of a public minister. If, however, your house is invaded, and an American citizen taken from it by force by the public authorities, against your remonstrance and protest, nothing will remain but to refer the matter to your government.

With great respect, your obedient servant,

D. D. BARNARD.

RALPH KING, Esq., *Consul, &c.*

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*Mr. King to the Burgomaster Smidt at Bremen.*

CONSULATE OF THE UNITED STATES,  
*Bremen, January 28, 1853.*

SIR: I have been requested by his excellency D. D. Barnard, minister of the United States at Berlin, to lay before your magnificence the enclosed copy of a communication I have received from him, in regard to the United States citizen Conrad Schmidt, arrested by the police authorities of Bremen upon requisition of the Amt Lesum, Hanover, and now in prison, and also to demand his immediate discharge from captivity.

The case is presented by his excellency Mr. Barnard in a manner so clear that I trust the government of Bremen will no longer hesitate in discharging Mr. Schmidt from prison, and that his money, watch, and other effects, unjustly taken from him by the police of Bremen, be restored in full.

To-morrow afternoon, at 4 o'clock, I shall advise his excellency, Mr. Barnard, of the result of this application, and if Mr. Schmidt be not released by that hour, I shall conclude that the government of Bremen has refused to comply with my demand.

*Embracing the present occasion of assuring your magnificence of my*

high respect and esteem, I have the honor to be, sir, your most obedient servant,

RALPH KING.

To His Magnificence, Burgomaster Dr. SMIDT,  
*President, &c., Bremen.*

*Mr. King to Mr. Barnard.*

CONSULATE OF THE UNITED STATES,  
*Bremen, January 29, 1853.*

SIR: I am very much obliged for your prompt attention to the case of the United States citizen C. Schmidt. Instantly upon receipt of your dispatch of the 26th instant, I had it copied and delivered to President Burgomaster Smidt, with a demand for the immediate discharge of Schmidt from prison; copy of which I herewith enclose.

I am highly gratified to say that your clear and forcible argument has succeeded. Mr. Schmidt was liberated from prison this day at half-past two, p. m.

In my first application for the release of Mr. Schmidt, 24th instant, if not released from prison on that day, I demanded 500 thalers for damages. Shall I press this claim?

Assuring you of my highest respect and esteem, I have the honor to be, your most obedient servant,

RALPH KING.

His Excellency D. D. BARNARD, *Minister, &c.*

*Mr. Barnard to Mr. King.*

LEGATION OF THE UNITED STATES,  
*Berlin, January 31, 1853.*

SIR: The government of Bremen in so promptly releasing Conrad Schmidt from arrest, after the receipt of my letter of the 26th instant, affords clear proof that it needs only that its reason should be convinced of the propriety of any demand made upon it by the government of the United States to accede to such demand.

The government of the United States will not fail to receive with particular satisfaction the intelligence of the release of Schmidt, and it will regard this act in the somewhat embarrassing circumstances under which Bremen was placed, both as showing a readiness on the part of that republic to listen to every appeal, from whatever quarter, made to its judgment and good sense, and as manifesting a constant desire to cultivate the most friendly relations with the United States. This feeling Bremen may be assured is, and will be, cordially reciprocated by the United States.

The arrest of Schmidt was made under erroneous impressions, no doubt honestly entertained, of a superior obligation due from Bremen to Hanover in relation to him. The government has set him at liberty

as soon as the conviction of its error was brought home to it. Under these circumstances it is highly proper, I think, that, as consul, you should manifest your satisfaction with the result, by withdrawing any claim for damages on account of the arrest and imprisonment. I trust Mr. Schmidt himself will see the propriety of assenting to this course.

You may furnish to the government of Bremen a copy of this note.

I have the honor to be, with great respect, your obedient servant,

D. D. BARNARD.

RALPH KING, Esq., *Consul, &c.*

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No. 102.

*Mr. Barnard to Mr. Everett.*

LEGATION OF THE UNITED STATES,

*Berlin, January 31, 1853.*

SIR: I received last autumn, from the American Baptist Missionary Union in the United States, a memorial addressed to me, accompanied by letters from prominent persons in the United States, in reference to complaints of religious intolerance made by the Baptists in Prussia. These papers were forwarded to me by Mr. Webster, with a letter, in which my friendly offices were solicited in behalf of the Baptists in Prussia. Of course any action I might take in the matter was to be informal and unofficial.

Feeling very little confidence in being able to effect anything, by addressing myself to anybody but the king himself, I determined to make a communication on this subject directly to his majesty. As soon as the customary royal absences and excursions of the season were over, I drew up a letter to the king. Wishing to avoid the transmission of this letter through any official channel, I sought to bring it to his majesty's notice by a private hand. The eminent person to whom it was confided for this purpose, I dare say from very proper scruples, declined to present it, and it was returned to me. Considerable delay followed, but at the earliest moment that I thought favorable, I informed the minister of foreign affairs of the letter, in a personal interview, and asked him to do me the favor to place it in the king's hand. After some inquiries, he very promptly and kindly consented to do so. In this way it reached the king a few days ago.

As I observe that the interference of the government of the United States has lately been invoked in behalf of religious toleration in foreign countries, I have thought it proper, though my entire action in this matter has been unofficial, that a copy of my letter to the king should be transmitted to the department. It is herewith enclosed.

My letter was very kindly received. The king took the earliest opportunity to express to me in person the great interest he was pleased to say it had excited in his mind. He spoke of his deep regret, if any real occasion had been given within his dominions for complaints of the nature referred to, and of his sincere gratification in having had his attention called to the subject in a way which would prompt him to look immediately and earnestly into the matter.

The king's private secretary, Mr. Niebuhr, at his command, waited upon me shortly afterwards, to repeat to me the same kind expressions; and, at the same time, to make to me a further communication on the subject. I will briefly state the substance of this communication.

The complaints of the Baptists in Prussia had reference mainly to the obstructions they encountered, 1st, in exercising the rights of their faith, particularly that of baptism; and, 2d, in distributing the Bible. On these points some explanations were offered.

Not having any regular organization, or general ecclesiastical government known to the State, and therefore, of necessity, not being recognized by law, the Baptists were subject, like all voluntary associations of persons in Prussia, to supervision and control by the authorities appointed to conserve the public safety and the public peace. It was said that with very rare exceptions, the Baptist pastors in Prussia were an order of persons very low in capacity and cultivation, and exhibited themselves too often in a manner to keep alive the strong prejudice which the established church, no doubt, has entertained towards them, and in which, it was probable, the police, the magistracy, and the community, to some extent, have participated. Irregular, noisy, and tumultuous assemblages are not allowed in Prussia; and such assemblages, I was assured, have too often been found at the public baptisms of this sect. Instances had occurred in which these baptisms have been administered to females in dresses unsuited to the delicacy of the sex; and this had given rise to the most exaggerated and absurd popular belief, attributing to this sect practices, in their public baptisms, at once the most fanatical and the most indecent. The natural consequences had followed. Multitudes of the worst classes had crowded to witness these baptisms, and the ceremony had often been performed amidst ribald jests and unseemly demonstrations, to the great scandal of all religion. And unhappily, in too many cases, the pastors had obstinately insisted on repeating these public and scandalous exhibitions, when they might have been avoided by using running streams in gardens and private enclosures, which had been offered to them, and urged in vain on their acceptance.

The difficulties into which Baptists have fallen, in selling or circulating the Bible, was also explained to me. Vending books by colportage is pedlary, and no man can be a pedlar in Prussia without a government license, for which he must pay twelve thalers. But colporters of the Bible are excepted out of this law if they can show an authority and warrant from the consistorium of the established evangelical church, recognizing and licensing them as worthy men who will not abuse this sacred vocation. Baptists, not being known to the communion of the established church, can receive from that church no such authority; they have no church organization and government of their own, known to the law, from which any authority of that sort can be obtained; and they do not procure, and probably could not procure, and pay for, a government license as colporters. They undertake colportage of the Bible in defiance of the law, and thus subject themselves to heavy fines. The king regrets this state of things, and will be very ready, in any proper case, to grant to individuals who have brought these fines on themselves, what relief he can. In a particular

instance, which I brought to the notice of Mr. Niebuhr, I was assured that, if not too late, his Majesty would grant relief by a pardon and a remission of the fines.

But the king, I was assured, was now desirous, and resolved, if possible, to place the Baptists of Prussia in a position to enjoy all reasonable toleration and right, without molestation. He desires to have them recognized by law as a Christian church, in the same manner, and on the same independent footing, as the Lutherans, who have dissented from the established evangelical or union church. The king has given a proof of his earnestness in this matter by having already expressed his wishes in this regard to his minister of instruction and worship, and given orders that a report on the subject should be laid before him.

It is easy to see that what the king proposes covers the whole ground of complaint. The Baptists, if recognized by the law, will be protected by the law in all their ritual acts and religious services, performed in a reasonable and peaceable manner. And their colportage of the Bible, being authorized by a recognized ecclesiastical authority, as is now the case with the colporters of the dissenting Lutherans, will be performed without hindrance or molestation.

One thing, however, is an indispensable prerequisite to the legal recognition of the Baptists in Prussia. They must have a regular organization as a Christian church, and establish for themselves a regular ecclesiastical government. There must be some ruling and central authority which the king's government can recognize, and with which it can transact necessary business according to its laws.

On this point an apprehension of possible difficulty was expressed, as well on account of the peculiar notions and habits of the Baptists in Prussia, as on account of the too prevalent lack of intelligence and education among those who would be looked to to constitute the *personel* of an ecclesiastical government. The Rev. Mr. Oncken, of Hamburg, however, was referred to as every way respectable and worthy to be the depositary, even alone, if necessary, of the requisite ecclesiastical authority. And others might be found to be joined with him. It was added, and declared, that it would answer the purpose of the king's government equally well if a church organization and government of the kind required were constituted for all the Baptist communities of Germany, instead of being constituted for Prussia alone.

One other requisite, and one only, was suggested after the organization required should be effected; and that was that a formal and authoritative declaration of the doctrines and tenets of the Baptists, thus organized, should be drawn up and presented to the king's government, in order that the king might have, of record, an authentic warrant for causing them to be legally recognized in his dominions as constituting a Christian church.

It is no more than the simplest justice to the king of Prussia to say, that, however this matter may end practically, personally he has met the appeal that has been made to him in behalf of the Baptists with awakened and earnest dispositions, truly becoming a Christian and Protestant monarch. The practical difficulties which surround such



subjects, in a country and government like this, are not, it is probably fully understood and appreciated in the United States.

Considering that the interest which may attach to the response which I have had from his Majesty will belong more directly to the American Baptist Missionary Union, I propose to forward at once to the secretary of that association a copy of this letter, and to accompany it with a copy of my letter to the king.

I have the honor to be, with the highest respect, your obedient servant,

D. D. BARNARD.

HON. EDWARD EVERETT,  
*Secretary of State.*

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*Mr. Barnard to his majesty the King of Prussia.*

BERLIN, October 16, 1852.

Your majesty will know, without my saying so, that I should be incapable of committing the impropriety of approaching your majesty directly in this way on any matter which required, or admitted of official diplomatic correspondence. The subject of this communication is one on which, as the minister and representative of my government, I could take no formal or official action whatever. That government itself could take no official cognizance of it, however deep may be the interest it feels in the matter. It is a subject, nevertheless, on which a very large and most respectable body of persons in the United States feel the deepest concern. I had supposed it to have been their intention to ask permission to lay before the sovereign of Prussia, in their own names, a memorial of their sentiments and wishes. Instead of this, however, they have addressed their memorial to me, and have left it to me to represent them in regard to the matter in question, before your majesty. In attempting to meet their wishes in this regard, I shall rely on that proverbial kindness and clemency which are such distinguishing traits in the royal character, to pardon the liberty I am taking, and any seeming irregularity in this proceeding.

Those to whom I refer are associated under the name of the American Baptist Missionary Union. This is a voluntary association, and its enterprises are sustained by voluntary contributions. In its objects, and in the calm energy with which these objects are prosecuted, it presents one of those moral spectacles, not too frequent on this earth, which good men and angels equally contemplate with satisfaction and joy.

This association represents a Christian sect in the United States of not less than five millions of souls; a sect which numbers its churches and its clergy by thousands, and its adult members in habitual communion, and pledged to personal purity of life, by hundreds of thousands; a sect which has its schools, academies and universities; its eminent scholars and authors; its eminent theologians, eminent judges, and eminent statesmen; which constitutes at this day, by the recognition and fellowship of the protestant world, an important branch

of the universal church of Christ, and than which no christian sect or denomination, on the face of the whole earth, maintains a higher standard of holiness of life, according to the doctrine and example of the Saviour of mankind.

Nourished by this body of Christians, the association carries forward vigorously its great enterprises. It operates in preaching and spreading the gospel among the destitute in all the four quarters of the globe. It supports abroad, or contributes to support, constantly, more than three hundred preachers and assistants connected with its various missions. It maintains schools, and instructs great numbers of children at these missions. Its work is carried on among the remote Indian tribes of North America, among the negroes of the western coast of Africa, and among the Chinese, Burmese, Assamese, and Hindoos of the remote and populous east. In this distant Asiatic field, it supports numerous churches and schools, with two hundred preachers and assistants, native and foreign, male and female. It makes the press preach and teach along with its living missionaries. In the last year alone it issued in its Asiatic missions, 4,392,300 pages of printed matter in the native languages. Its expenditures in the present year will amount to one hundred and thirty-five thousand dollars, American currency.

Such is the American Baptist Missionary Union; such are its works of pure Christian charity and benevolence, and such are the people whom it represents and by whom it is sustained. And is it not, sire, a thing somewhat strange and remarkable, that, amidst all the operations of this association abroad over the whole world, it should be precisely in enlightened and Christian Europe, in Catholic France, and in Protestant Germany, that it has had chiefly to complain of the want of toleration, and of serious hostility? Its worst difficulties, it seems, are encountered in Protestant Germany.

The operations of the association in Europe are distinct in their character from those conducted elsewhere.. So far as I know, it makes no pretence of sending its own missionaries to Germany. It finds here Christians of the Baptist communion, and, as far as it is able, it takes them by the hand and aids them, in their condition of almost universal poverty and depression, by its judicious contributions. It does not undertake the propagandism of a peculiar religious faith in the country of Luther. It finds here a branch of the universal church, towards which its sympathies are attracted in a peculiar manner, and it seeks, by its timely and judicious aids to this communion, to co-operate with it in maintaining and spreading the gospel, and in promoting the cause of pure and undefiled religion. It is in this labor of love that it meets with difficulties and obstructions through the stringent laws, the severe police regulations, and the prosecutions to which those are subjected to whom its sympathy and assistance are extended.

It is thought that much of all this has arisen from an entire misconception of the true character of the Baptists, as well in regard to the peculiarity of their faith as in regard to the effect of that faith on their life and conversation.

The Baptists, it seems, have been confounded with the odious sect of the Anabaptists of three centuries ago, or with those, if any such remain, who may have inherited their fanaticism and their abominable

doctrines. Nothing, it is supposed, could be more unjust. No contrast, it is thought, whether in principles or in conduct, could be stronger than that between the Baptists of the United States and generally those of Germany at this day, and the execrable "men of Munster" of a former period. What Baptists are in my own country I know, and I know what they must be here, or what they must be believed to be, to have the sympathy of those in the United States. In doctrine they are of the school of the great Reformer, but with a peculiarity of faith in regard to the period of life when baptism should be administered. In this peculiarity, however, no ground can be found for attributing to Baptists any necessary aberration from sound doctrine in other respects, or from the essential graces of the Christian character, and no such aberration is found in fact, so far as I know.

The Baptists of the United States, judging of the Baptists of Prussia by themselves, as well as by all the good reports they have heard of them, feel confident that your majesty can have no subjects more peaceable or more loyal to their king. Baptists must be peaceable and loyal from a sense of religious obligation and of conscientious duty. They feel confident also that there was no class of subjects within your majesty's dominions who, on a late memorable occasion, looked with more horror than the Baptists did upon a revolution which, through its infamous alliances, threatened to wage an impious and blasphemous war on religion, on the sacred institution of the family, and on the very constitution of society itself. Revolution allying itself to irreligion and to socialism, must, of necessity, be revolting to every sacred conviction and sentiment of their hearts. It is true their form of church government is not hierarchical, but experience does not show that their religion tends, therefore, to weaken their fidelity to the existing forms of government, and of social order under which they live. It is of the very essence of their religion "to obey magistrates" and "to honor the king."

This order of persons are known to be highly conservative in their opinions and in their demeanor in the United States; it is understood and believed there that they are so in Prussia.

The particular occasion on which the Baptists of the United States first addressed themselves to me, was that of the expulsion of the Rev. Mr. Oncken from Berlin, where he came, in the spring of the present year, from his residence at Hamburg, to perform religious services on account of the illness of the pastor, Mr. Lehmann. Your majesty has already filled the hearts of Baptists, and of all Protestants in the United States, with joy, by the prompt and generous manner in which it was commanded that this petty persecution should cease. Thousands of pious hearts in that country have sent up their prayers to God for blessings on your majesty's head for what was done on that occasion.

It happens, unfortunately, that the spirit of religious toleration by which your majesty is actuated, as manifested towards the Baptist church in Berlin, is not always imitated, as one could wish it might be, in all parts of your majesty's dominions. Religious worship, and the ceremonies of their faith, are not always performed by Baptists without difficulty and danger. The rite of baptism, though performed as privately as possible, is construed sometimes into an offence, and is fol-

lowed by prosecutions and fines. And the vending and circulation of the Bible are visited with the most severe penalties.

It is believed that Baptists in Prussia would have reason to be quite satisfied if so much religious toleration were secured to them as the real sentiments and feelings of the royal mind would incline your majesty to grant. It is believed, in that case, that Baptists, whom we who are of other denominations must acknowledge to be among the very best of Christians, would be allowed, not in Prussia only, but everywhere in Germany, after the example of Prussia, to worship God according to the dictates of their own consciences, and that their pastors would be permitted to perform all the simple rites of their religion without molestation; to baptise, to marry, to preach the gospel, to administer the Lord's supper, and to bury their dead; they taking care, on their part, as they would be bound to do, to avoid as far as possible any display or publicity which might give just offence to others. They would also be allowed, it is believed, if everything could be regulated according to your majesty's pleasure, to carry the Bible to as many of your majesty's subjects, not already possessing it, as their limited means, aided by their brethren in other lands, would enable them to do. It is believed that the Protestant and pious sovereign of Prussia, who in an important sense is the august head and representative of Protestantism on the continent of Europe, would rejoice to know that a Bible was placed in the hand of every one of his subjects, where it was not already found, and that he would not willingly allow obstacles to be thrown in the way of those who, like the American Baptist Association, freely give their money to promote that object. He would not willingly see any man in his dominions punished as a criminal for having furnished a Bible to a fellow-Christian.

It is to your majesty that the American Baptist Missionary Union, and the churches of the United States represented by that association, desire permission to make their appeal in behalf of the Baptists of Prussia, for toleration, for security, and for peace. It is in your majesty that they confide in this regard. They believe that the royal disposition is already on their side, and they earnestly hope for the exertion of so much of the royal authority and influence as may give quiet and peace to these Baptists in the innocent enjoyment of their religion, and in inoffensive works of Christian charity. They ask nothing for their brethren which would interfere with the just rights or privileges of any other human being; they ask for nothing which could offend the conscience of any enlightened Christian; for nothing which could justly give umbrage to individuals or to society; for nothing which could affect the king, unless it should be to make him more than ever the beloved father of his people.

For having ventured, in this manner, into the royal presence for the purpose of interpreting there the sentiments and prayers of my countrymen, the Baptists of the United States, I indulge the hope that I may have been fortunate enough to acquit myself of the duty without offence.

And in concluding this letter, for the inconvenient length of which I hope to be pardoned, I beg your majesty would deign to receive on this occasion, with the expression of my unaffected admiration for the

great virtues of the royal character, the unfeigned homage of my most profound veneration.

D- D. BARNARD.

NOTE.—It will be observed that this letter was written three months ago. Circumstances have prevented its being brought to his majesty's notice until now.

D. D. BARNARD.

BERLIN, *January 16, 1853.*

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No. 105.

*Mr. Fay to the Secretary of State.*

[Extract.]

LEGATION OF THE UNITED STATES,  
*Berlin, November 22, 1852.*

SIR: I have the honor to enclose a copy of a note, which, as acting chargé d'affaires, I have addressed to the minister of Baden at this court, relative to an insult inflicted by the police of Heidelberg upon three American gentlemen.

\* \* \* \* \*

I have the honor, &c.,

THEO. S. FAY.

The Honorable SECRETARY OF STATE.

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*Mr. Fay to the Baden Minister at Berlin.*

LEGATION OF THE UNITED STATES,  
*Berlin, November 20, 1852.*

MONSIEUR LE MINISTRE: I have the honor to solicit the intervention of your excellency, in presenting to the knowledge of the government of his royal highness the prince regent of Baden, the case of three of my countrymen at Heidelberg, relative to certain injuries received from several *employees* of the police. The following facts are stated to me in a communication, of which a copy is annexed, dated several days after their occurrence, carefully drawn up in language free from passion, and signed by the parties concerned.

It appears that Mr. Edmund T. Dana, a lawyer and a magistrate, of Boston, W. B. Dingle, of Charleston, South Carolina, a student of law at the University of Heidelberg, and David Ramsay, doctor of laws, at present a traveller, had been dining together, and were returning home in the night of Friday the 12th instant. In consequence of an observation made by Mr. Dana, Mr. Dingle laughed aloud. Two police officers passing ordered the whole party to return immediately home. Mr. Dingle stopped to inquire the cause of so extraordinary a command, and was, to his great astonishment, immediately seized and

shaken with violence by one of the police agents. Knowing the indiscretion of opposing the public authority, he made no resistance whatever, merely requesting the man to release his grasp upon him and declaring his readiness to follow. Messrs. Dana and Ramsay requested permission to accompany their friend, which was granted. After proceeding some steps, Mr. Dingle was entirely released from custody.

Satisfied by this release that the policeman was himself convinced there had been no just grounds for an arrest, the three gentlemen repaired to the nearest police station to ascertain the names of the policemen, and to institute a complaint against them. They did not find any *chef de police*, and related their grievance to another policeman, by whom they were informed there was no redress. While thus engaged they were interrupted by the arrival of a party of policemen, the same, as they believe, who had previously arrested Mr. Dingle, and who, apparently to anticipate the complaint, arrested Mr. Dingle again in the same violent manner as before, and also Mr. Ramsay—the latter upon the ground, that in his narration to the policemen at the station, he had used the word “*der kerl*,” (the fellow, the chap,) applied to the policeman who had first arrested Mr. Dingle. Not satisfied with this arbitrary proceeding, they finally arrested the third, Mr. Dana, without any ground whatever. For the latter gentleman, a lawyer by profession, had carefully avoided even a shadow of offence, preserving throughout the whole affair a complete neutrality, and not having uttered a word. The three prisoners were then conducted to the common goal, searched, in a manner usual in the case of robbers and similar criminals, the police agents themselves examining their pockets. They were then confined in “filthy and stinking cells,” where they passed the night upon straw without light. The next morning their request to communicate with a lawyer was flatly refused. They desired to make their position known to some friends; also refused. At ten o’clock they were publicly conducted through the streets of the town to the police office, with a person apparently a felon. To avoid this public exposure they asked the favor of a carriage; refused. At the police office they were brought before a young magistrate, called the Assessor Mors, who did not appear better acquainted with the duties of a public functionary than his subordinates. Instead of acting upon the principle that an accused person is innocent until proved guilty, and that the law is intended to inflict punishment, even upon the guilty, without insulting them, this magistrate peremptorily declared that they had made false statements in representing themselves as students. Mr. Dana having moved some steps, received an order to place himself in a certain position, to take his hands out of his pocket, and, when assuming a third position, he folded his arms, the magistrate raised his voice still more, and told him he should be taught to remember “where he was, and before whom,” &c.

He to whom this language was addressed is himself a magistrate of a rank superior to that of the Assessor Mors, and of a family of the highest respectability. I myself have been honored by his friendship for many years.

To the accusation of having disturbed the public peace, and of having

been drunk, they asked to see the proofs in order to refute them. The magistrate offered no proof whatever, but merely replied that such a declaration had been made.

As for me, I cannot hesitate to believe the declaration of these gentlemen, that this accusation had no foundation, and that if an opportunity had been allowed, they would have disproved it by sufficient testimony.

After an interrogation of ten minutes, they were remanded to their cells. Unable to take the common fare of the prison, they requested other refreshments. This was refused, and they remained thus in their cell till one o'clock in the afternoon, when Mr. Dana and Mr. Dingle were discharged. At three o'clock Mr. Ramsay, whose letter to his friends had been intercepted and retained, was conducted a second time through the public streets, like a malefactor, to the police office, where he also was discharged, after having passed more than twelve hours in prison, without changing his clothes and almost without food.

I have received upon this subject a separate letter from Dr. Faber, also an American, who volunteers his testimony as to the truth of the above statement, and of the extraordinarily arbitrary conduct of the Assessor Mors.

But this document, of which I have the honor to subjoin a copy, was not necessary to my sincere conviction that the statement of Mr. Dana and his companions is perfectly true, from my knowledge of them. I am personally acquainted with those gentlemen. Two of them have spent much time in Berlin, and I am able to testify to their excellent character, to their honorable past lives, and to the distinguished consideration enjoyed by their families. They belong to a class of Americans peculiarly respected, the class of students, who, inspired by a love of science, visit Germany for the purpose of transferring to their native land the treasures of learning which abound in the capitals of the old continent, and which constitute the glory of Baden. Under the laws of an enlightened prince, in the learned town of Heidelberg, attracted by the fame of one of the most ancient and noble universities of Germany, and one visited by large numbers of their young countrymen, they supposed themselves as much protected from gratuitous insult, personal violence, and arbitrary imprisonment, as if in their own country. Have they not a right to complain, when the police whose duty it is to protect the inhabitants, and above all, the stranger, becomes, in so improper a manner, at once aggressor, accuser, judge, and executioner, in its own cause?

As to the point in which Mr. Ramsay appears to have forgotten the respect due to the public authority in using the word "kerl," my countryman declares himself ready to state upon oath that he used this word only in the sense of person, "person," without attaching to it any insulting signification.

The only facts established against these gentlemen appear to be a somewhat hearty laugh, and a misconception of the exact meaning of a German word. These, so trivial offences, have drawn upon them a treatment not applied even to public criminals by judges properly impressed with the dignity of their mission.

It gives me pleasure to believe that your excellency will share my

view of this matter, and that I have not been premature in assuring my countrymen of your friendly and enlightened mediation in procuring the satisfaction which I ask for outrages so disproportionate to the circumstances. My government is impressed with the conviction that his royal highness the prince regent of Baden, far from approving violations of justice and courtesy towards American citizens, will deem it an advantage to be informed of the unworthy manner in which certain employees abuse the power entrusted to them.

I have the honor to renew to your excellency the assurance of my most distinguished consideration.

THEO. S. FAY.

His Excellency, Baron VON MEYSENBUG,  
*Envoy Extraordinary and Minister Plenipotentiary of  
 His Royal Highness Prince Regent of Baden.*

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*Mr. Ramsay to Mr. Fay.*

HEIDELBERG, November 18, 1852.

MY DEAR SIR: It is with great regret that, at the close of a tour in Germany, I am obliged to trouble you officially, and in so very disagreeable a manner. From the subjoined statement, you will best judge how far the gentlemen concerned with me are justified in making this complaint.

I do not send you any certificate of good conduct generally, or the like, because such certificates would not affect the case in hand. I submit the statement, because I believe, under any circumstances, it would justify, at least, a protest against such barbarous treatment.

We have taken the liberty of applying to you, inasmuch as we know of no American minister or representative in South Germany, and having had the honor of a personal acquaintance with you, feel to some extent emboldened in presenting our statement.

I am, my dear sir, very respectfully,

DAVID RAMSAY.

THEO. S. FAY, Esq., *Chargé d'Affaires, &c.*

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*Mr. Dana to Mr. Fay.*

HEIDELBERG, November 15, 1852.

MY DEAR SIR: I have only room to add a line or two to what Mr. Ramsay has already so well said. You may imagine how outraged I am at having been treated in this way, in a community where I am now so long and well known, by a young official, hardly older than myself, and who has but very recently arrived here. Pray take notice that it was solely in our general character as Americans resident in Heidelberg that we received this insulting treatment, and not at all in the academic character of Mr. Dingle and myself, for this was denied and ignored by the assessor until the moment of our release, and the



assessor had the impertinence, after this release as citizens, to take up the matter again and quite afresh against Mr. Dingle and myself, as members of the university, and before a separate tribunal again, most rudely repeating his charges of drunkenness, riot and falsehood. But enough of this. I am half vexed, half amused, at coming before you in this light, but am, at all events, happy to be again in communication with you.

Very respectfully,

EDMUND T. DANA.

THEO. S. FAY, Esq., *Chargé d'Affaires*.

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*Mr. Faber to Mr. Fay.*

HEIDELBERG, November 15, 1852.

MY DEAR SIR: As a personal friend of the three gentlemen to whose testimony I would also bear witness, I called, in company with Mr. Dingle, immediately after his release, to see Mr. Ramsay, on his appearance before the oberamtmann, Herrn Mors, at the police office, and at my request to converse with him, was permitted to do so. I consider the treatment and whole manner of the oberamtmann, on that occasion, as in the highest degree overbearing and insulting towards the three gentlemen. He insisted that Mr. Dingle had, the evening before, said that he was not a student, and that Mr. Dingle and Mr. Dana had given false names.

Yours respectfully,

Dr. JOHN O. FABER.

THEO. S. FAY, *Chargé d'Affaires*.

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STATEMENT:

The undersigned, Edmund Trowbridge Dana, a lawyer and a magistrate of Boston; W. B. Dingle, of Charleston, South Carolina, a student of law at the Heidelberg University; and David Ramsay, a doctor of laws, at present traveller, were returning home from a dinner party on the night of Friday, the 12th. At a remark made by Mr. Dana, Mr. Dingle laughed rather heartily. Two policemen passing, ordered the gentlemen to return home at once. Mr. Dingle stopped to inquire the reason. Either not understanding the question, or from some other motive, the policemen laid hands on Mr. Dingle, shaking him violently. Mr. Dingle made not the slightest resistance, requesting them to unhand him, that he would follow. Messrs. Dana and Ramsay requested permission to accompany their friend. It was granted. After proceeding a few steps, the policeman released Mr. Dingle.

Satisfied by this release that no offence had been committed, and that this treatment was unjustifiable, a fact of which they had been convinced before and during the arrest, the three gentlemen proceeded to the nearest police station in order to lay a complaint and find out the

names of the policemen. At the station-house they found no officer, and were informed that there was no redress. While at the station-house, a party of policemen, to their belief the same, came to the station. Mr. Dingle was arrested again in the same violent manner. Mr. Ramsay was given into charge on the ground that, while describing to the policeman at the station the violence of the proceeding and arrest, he had spoken of one of the men as "der kerl." Mr. Ramsay was arrested with the same violence.

Mr. Ramsay could have answered this charge by an oath that he only intended to express "a person," and if the word be objectionable, it is not such to his knowledge.

The arrest was now extended to Mr. Dana, although he had committed no offence, and up to this time had not been arrested, having indeed said nothing, nor having caused the slightest noise whatever.

Messrs. Dana and Dingle stated that they were students, Mr. Ramsay that he was a stranger, arrived that day, and no student.

They were carried to the common jail, searched, not allowed the privilege of exhibiting their own pockets, and were confined in cells. The night was spent upon a sack of straw, without lights, in a filthy, stinking cell. At 10 o'clock the next day, permission having been refused to them to summon a lawyer or their friends, they were carried through the streets, and in company with, apparently, a felon, brought to the police office. Their request to have a carriage called was refused. At the office they were placed before an officer, a young man whom they afterwards learned was an "assessor, *Mors*."

His treatment of them was most singular and ungentlemanly. Messrs. Dana and Dingle asserted that they were students, but it was not until Mr. Dingle showed him the receipt for the matriculation fee that he took further notice than by saying: "They had pretended so the night before, in order, most probably, to get free."

Mr. Dana having moved about, he called to him, in a most insulting tone, to place himself in a certain position; in as insulting a tone, he ordered him to take one of his hands out of his pocket, and Mr. Dana then folding his arms, he raised his voice still more, telling him he should be taught to remember where he was, in what place, and before whom.

This language was applied to a gentleman of the first respectability, holding a higher judicial position as a justice than the Baden assessor.

The gentlemen were then informed that they had been arrested upon a charge of disturbing the peace, causing a disturbance on the streets. They were not shown the protocol, and an attempt made by Mr. Ramsay to have the charges specified was futile. The assessor asserted broadly that they had been drunk. Mr. Ramsay inquired how he could say so—upon what authority? He answered, "it is said so." No time was given them for explanation, none allowed them to call an advocate, and a request made for one was disregarded. This last insult of the assessor could have been amply rebutted by independent testimony, but it was impossible to procure it, inasmuch as the entire examination lasted only ten minutes, during which time they were totally disregarded, or only grossly insulted. They were again marched back

under the care of a police officer, and were placed in the same cell. A request to have other than the common prison fare was refused. At one, or nearly one, Messrs. Dana and Dingle were released. Mr. Ramsay had written to a friend, but the letter was kept at the prison up to his release. At three, he was again brought through the streets in custody, and at the office informed that he was free. He had thus been more than twelve hours imprisoned, without changing his dress, and almost without food, for the prison fare was such that he could take but a little gruel, besides which were furnished only black bread and "sauere kartoffeln."

We consider ourselves aggrieved by the violence exercised to Mr. Dingle at the first arrest, to Messrs. Dingle and Ramsay at the second.

It will be observed that only one of the party had been at first arrested, and he subsequently released, that we had proceeded to, and were then in, the police office to complain of this arrest, and for this purpose alone; finding no proper officer there, we were about to return quietly home; that this second arrest of the whole party was probably to anticipate and prevent the complaint, as the arrest was extended to the other two without any subsequent cause, or if with reference to an exceptionable word, was applicable to Mr. Ramsay *alone*.

At our being searched, and at the subsequent treatment in the prison.

At our repeated exposure to the public, in custody of policemen, in a community where we were well known and had many friends and acquaintances.

At the whole conduct of the assessor, from the beginning to the end of this business, who seemingly availed himself of his official position repeatedly to insult, grossly and personally, foreigners whom he saw to be gentlemen, and of whose position as such he was already informed, charging us in the rudest manner with riot and drunkenness, and treating all our attempts to meet these charges with contempt. Neglecting our request to have an advocate, and, in short, treating us as guilty without having heard us. In addition, himself personally charging us with falsehood during the proceedings, as above stated, and, after our release, charging Mr. Dingle with having said that he was not a student, and Mr. Dana with having given a false name, asserting the same of Mr. Dingle.

At suffering so heavily upon charges which were summarily and orally alleged, which we were not allowed to examine or rebut, carried to and fro through the streets for the purpose of receiving the treatment we have already described, and again thrown into jail.

As American citizens we consider ourselves aggrieved and entitled to redress.

DAVID RAMSAY,  
EDMUND T. DANA,  
W. B. DINGLE.

*Mr. Barnard to Secretary of State.*

LEGATION OF THE UNITED STATES,  
*Berlin, March 15, 1853.*

SIR: I have the honor to enclose to you, herewith, a copy of a letter from Baron Meysenbug, the minister plenipotentiary of Baden at this court, in answer to the complaint (Mr. Fay's No. 105) presented to him for the consideration of his government, from this legation, for the maltreatment of three American citizens at Heidelberg—Mr. Dana, Mr. Dingle, and Mr. Ramsay. I enclose also a copy of my reply to Baron Meysenbug.

You will observe, from the length and tone of my letter, that I have thought the occasion called for a serious rebuke of such conduct as characterized the whole proceedings in this case. It is not, probably, to be expected that it will produce any acknowledgment of the errors and wrongs committed in this case. But I think there is room to hope that it may possibly produce an impression in Baden, and elsewhere, if it should become known elsewhere, not unfavorable to the development of better notions and practices in arbitrary governments, in regard to the working of their police and judicial systems. At least, I suppose it cannot do any harm, if it shall do no good.

As there is little chance that any redress will come from the government of Baden, I would suggest whether it is not due to the gentlemen immediately concerned, who are persons of great respectability, that the department should allow them to avail themselves of the vindication of their characters and conduct, contained in my letter, by its publication.

I have the honor to be, with the highest respect, &c.,

D. D. BARNARD.

The Hon. SECRETARY OF STATE.

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[Translation.]

*The Baron Meysenbug to Mr. Barnard.*

BERLIN, *February 4, 1853.*

SIR: During your absence, and under date of the 20th of November last, Mr. Fay forwarded to me a note, by which the complaints of three American citizens, relative to the bad treatment experienced by them at Heidelberg, have been brought to my knowledge. The names of these Americans are, E. T. Dana, W. B. Dingle, and D. Ramsay.

I have not delayed in forwarding this communication to my government and in calling its serious attention to the facts set forth, and if I have not been able before now to send a reply to your excellency, I beg that you will interpret the delay as a proof of the care which has been taken in ascertaining conscientiously the true state of things.

The result of the inquiries which have been instituted by order of the minister of the interior is, in almost every respect, at variance with

the allegations contained in the various documents accompanying Fay's note. This is the reason why I shall take the liberty of entering very minutely into details.

I must, in the first instance, mention two points, which are not without importance in the matter in question, and which spring from the laws of my country.

1st. The depositions of the police officers, made in the exercise of their public functions, are fully credited before the authorities until the contrary has been proved.

2d. Persons whose names are inserted in the list of students at the university of Heidelberg receive legitimation papers which, in case of necessity, it is sufficient to show to the public functionaries, in order that he be treated according to the privileges of exceptional jurisdiction reserved for the students. This is the reason why every new comer is always instructed to carry his certificate about him; and if he forgets to conform to this, as Messrs. Dana and Dingle did, he has no reason to complain if he is treated according to the general laws which regulate the administration of police. Such are the facts as they have been ascertained by the superior authority.

Messrs. Dingle, Dana, and Ramsey, in the night of the 12th to the 13th of November last, and after the hour of midnight, paraded the streets of Heidelberg; the noise they made, induced the various witnesses who had heard them, to believe that it was in consequence of too much indulgence in wine, that those gentlemen abandoned themselves to disturbing the nocturnal repose of the inhabitants. Two police guards, going on their rounds, desired those gentlemen to pass on quietly and leave the public street. Instead of conforming to this order, those gentlemen continued shouting on their way to the station of the *gens d'armes*, where they themselves demanded the arrest of the two guards, who had done nothing more than their duty. Upon the noise being continued, and in consequence of insults offered to the two functionaries aforesaid, those gentlemen were arrested and lodged in the jail of the police, where, however, they continued to act in a disorderly manner, to insult the officers on duty, and to pursue a course of conduct which admits of no other excuse except this, that too much wine had deprived them of the proper use of their faculties. On the following day, being taken before the police magistrate, (*Polizei Amtmann*.) these gentlemen entered the court of that functionary with their hats on, and one of them began pacing the court room to and fro.

It was not only the prerogative but the duty of the magistrate to put an end to such conduct, which is not becoming before any authority, in any civilized country. In consequence of information which the police magistrate hastened to obtain, Messrs. Dingle and Dana being recognized as students, were immediately released. With regard to Dr. Ramsay, he was released some time after, because not being a student, it was necessary to extend the inquiries relative to the part he had borne in the occurrences which caused the arrest of those three gentlemen.

If it had been the desire to be less lenient in regard to those nocturnal excesses, a penalty of several days of imprisonment ought to have been inflicted upon each of the culprits. But the police magistrate

thought that he would be lenient and confined himself to inflict upon them as a punishment, the time they had passed in prison during the night and a portion of the day.

The minister of the interior, after having caused a detailed report of the affair to be presented to him, has entirely approved the conduct of all the officers who have acted in the case, and has acknowledged that so far from having allowed themselves to be betrayed into an abuse of power against foreigners, those functionaries have proved by their conduct, that they knew perfectly how to combine their duty of enforcing the respect due to the laws, with the regard due to foreigners, who may on that account be ignorant of our police regulations.

I suppose, however, that your countrymen have learnt at Heidelberg, (which in the main, cannot be otherwise ordained in a well governed country,) that, if there was cause for just and well founded complaints against subordinate officers, it was sufficient to address a request direct to the superior authority, to obtain justice as well as exemplary punishment of the culprits. This path is open to all the world without any exception whatever; and it is probably to these guaranties of individual safety, offered without distinction, to all those who find themselves upon our soil, that the Grand Duchy is partly indebted for its reputation as an hospitable country. We are glad to see foreigners come here and share with the population of the country the benefits of a just and benevolent government, but the least we can expect in return for this, is that foreigners shall respect our laws, and conform to them in all that concerns themselves. I have made it my duty to write to your excellency a little more at length, because I am desirous that not the least doubt should remain on your mind, in regard to a matter concerning which the legation of the United States has sought my intervention.

I hope, sir, that the facts are now sufficiently elucidated to enable you to cause a reply to be given to the claimants, and have only to renew to you the assurances of my high consideration.

BARON DE MEYSENBUG.

To his Excellency Mr. BARNARD,  
*Envoy Extraordinary and Minister  
 Plenipotentiary of the United States.*

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*Mr. Barnard to Baron Meysenbug.*

LEGATION OF THE UNITED STATES,  
*Berlin, March 14, 1853.*

MONSIEUR LE BARON: Immediately on the receipt of the letter which you did me the honor to address me, dated the 4th of February, I forwarded a copy to Heidelberg. Dr. Ramsay had already left for the United States. Mr. Dingle has since left. But I have received from Mr. Dana a communication, in writing, in reference to the affair of which complaint was made in the letter, addressed to you from this legation on the 20th of November last, and in reference to the matters contained in your excellency's reply to that letter.

The communication of Mr. Dana embodies in a minute and circum-

stantial way, his own and Mr. Dingle's reaffirmance of their original complaint, and their indignant denial of every injurious allegation which has been set up by the employees of the government of Baden at Heidelberg, to justify their conduct towards them and their companions. Dr. Ramsay.

Your excellency will not doubt the reluctance I have felt to trouble you again with this matter. But I have no alternative. It is impossible that my countrymen should submit, not only to the original wrong done them, but to the unworthy imputations which the employees implicated in this affair have been permitted to fasten upon them anew, without, at least, a solemn protest against the whole proceeding.

The persons who had the handling of these American gentlemen were two constables, a police magistrate, and a jailer. These were the actors in the treatment complained of.

Their case was this: One of their number was rudely assaulted in the street without justifiable cause. On calling at a police station, to complain of this assault, the whole party were arrested, with the same violence, and equally without adequate cause. They were conducted to a filthy and loathsome prison, where their persons were violated and searched as if they had been malefactors, and where they were forced to submit to a prison treatment and a prison fare such as, in their own country, not even the worst criminal, condemned to capital punishment, and awaiting his execution, would be subjected to. After a night thus spent, they were paraded through the public streets, in charge of keepers, like felons, and refused the privilege of a carriage. They were brought before a magistrate who, as they affirm, knew so little of what was due to the dignity of a tribunal of justice, and to the administration of law in human hands, as to set himself not only to play the role of a petty and vulgar tyrant over them, because they chanced to be in his power, but also to offer the grossest insult to them which can be offered to men of honor, by violently and repeatedly charging them with falsehood. They were again, and without just cause, remanded to jail, from which they were only released after suffering an infamous imprisonment of many hours.

Such, in substance, was the complaint in this case. The facts were attested by the signatures of the three gentlemen who preferred the complaint, persons of unquestioned veracity, each one of whom would have added his oath to the truth of these allegations as readily as he had given his word of honor.

The complaint of these gentlemen was brought to your excellency's notice, and through your kindness and courtesy to the notice of the government of his royal highness the Prince Regent of Baden. The complaint was not carried to any authority under the government, but it was brought to the cognizance of the government itself, through this legation, as a matter grave enough for its consideration.

How, then, has the government of his royal highness met and answered this complaint?

Your excellency has informed me that the minister of the interior, after having caused a detailed report to be made upon this affair, has fully approved of the conduct of all the employees engaged in the transaction. And not satisfied with this, he has passed an eulogium

upon the moderation with which their duties in this case had been performed.

Of all the acts of rudeness, violence, injury, and inhumanity, exercised towards the parties in this case, as set down in the complaint, not one, so far as I can discover, is denied; and everything has been approved and commended by the minister of the interior.

The offence imputed to those who were the subjects of this extreme rigor and of these extreme indignities, taken in its broadest and worst sense, was, that in a state of excitement and merriment, from a free indulgence in wine, they became noisy in the streets, on their way to their lodgings from a social party, and so troubled the nocturnal repose of the city of Heidelberg. The sum of the whole is, an ebullition of excessive hilarity. It may be added, however, in order to put their offence in the most aggravated light, that some casual word, construed to have been disrespectful, may have been employed by them towards the guardians of the night, into whose rough hands they fell.

And an offence of this sort, it appears, according to the ideas of justice in Baden, is considered a crime, demanding a most severe punishment, to be inflicted with every mark of reprobation and infamy. For, I learn from your excellency's letter, that it was by an act of indulgence only, on the part of the police magistrate, that the imprisonment of a night and part of a day, in the cells of a jail scarcely fit for the vilest criminals, to which these gentlemen were subjected, was deemed and taken to be an adequate punishment for their offence; and that it was solely due to his clemency that an additional punishment of many days of such imprisonment was not imposed upon them.

In a country where a mere irregularity of the nature of that charged upon these gentlemen is really looked upon in the grave light here represented, it would seem that there was not much room left for moral distinctions in crime.

But I must not be understood as admitting for a moment that the offence, venial as it was, imputed to these gentlemen, had any real existence. The manner in which the investigation into this affair was conducted was not calculated to put the government of his royal highness in possession of the real truths of the case. The character and manner of that investigation are sufficiently indicated in your excellency's letter. You inform me that it is a principle of law in Baden that "full credit is given to the testimony of the officers of police in whatever relates to the exercise of their public functions, until the contrary is proved." It is to be inferred, then, that the investigation instituted by the government consisted mainly in taking the testimony of the constables and others, the very parties against whom the complaint of official misconduct was preferred, and resting upon such evidence as incontrovertible. These persons stood in the attitude of accused parties, and they have been permitted to exculpate themselves upon their own testimony; while those who brought them before the government, and there impeached them of gross misbehavior, were utterly excluded from all participation in the investigation, and from all opportunity to substantiate their own allegations, or to disprove the irregularities charged against them. Even the principles which your excellency has cited, if fit to control an investigation such as the govern-



ment of Baden was called upon to make, does not appear to demand that such a proceeding should be altogether *ex parte*. That principle assumes that evidence to contradict and disprove the testimony of the officers of police is admissible. Notwithstanding the long delay of the investigation, two of the gentlemen who had been the subjects of the ill treatment of these officers were still at Heidelberg. They had no notice of the proceeding, though they affirm that, if called upon or permitted, they were prepared to substantiate their charges against these officers, and to disprove the allegations of misconduct made against themselves.

As these gentlemen have had no opportunity to offer their own sworn testimony in this case, or to produce witnesses in their behalf, it is proper that their solemn and unequivocal denial of the imputation cast upon them in this affair should find a conspicuous place in the records of this correspondence. Here, at least, they have a right to be heard. And what they solemnly declare is, that there was no substantial foundation of truth for the charges preferred against them. They had indulged in no excess of wine. They were not intoxicated, nor even excited. They were guilty of no disturbance of the public peace. They were not traversing the streets of Heidelberg at night to trouble the repose of its inhabitants. They were returning direct to their homes from a social party, at no very unreasonable hour, and were guilty of no offence, and no noise, beyond that of a witticism of one of their number and a laugh from another. They uttered no cries, either before or after the violent assault upon Mr. Dingle in the street. They were guilty of no misconduct while proceeding to the police station. No noise was made, and no insults were offered by them, at that station. At the prison and in the hands of the jailor, they were guilty of no disorderly conduct, and they offered no insult to any person there, unless a contemptuous but dignified submission to the outrages that were heaped upon them could be construed into an insult. And as little foundation was there for the charge of misbehavior before the magistrate. They did not enter the police chamber with their hats on. Every one entered uncovered, and with every sign of respect. No one of them set himself to promenading up and down the room. This is a pure invention, with no other foundation than an innocent movement of Mr. Dana to recross the room, quite at the close of the brief proceedings, to join Mr. Dingle, at a desk where he had been directed to record his name, and where he, Mr. Dana, had already recorded his own.

These are the broad and unequivocal declarations of these gentlemen. They are the recorded testimony in the case of three men of honor, whose family connexions, standing, education, and character, make it quite incredible that they should either be mistaken about what they say, or that they should falsify or disguise the truth.

But justice to my countrymen requires that I should not omit to advert to some of the circumstances of this case, which go so strongly to confirm the truth of their statement, and tend so directly to impeach the leading averments on the other side. If these gentlemen were disturbing the quiet of the night at all, they must have been doing so from the beginning. That, indeed, is the allegation. It is alleged that they

were so engaged when they first encountered the two policemen in the street. Why then were they not arrested, not one only, but all? The charge of intoxication, and of disturbance, is brought against the whole. Why was Mr. Dingle alone seized? This is a clear demonstration that, at least, the other two were, at that time, guilty of no disorderly conduct. When, then, did their offence begin? It is charged that they "continued their cries." But they could not continue what they had not begun. And it would be merely absurd to pretend that they, who had been perfectly peaceful up to the period of the first encounter with the constables, immediately afterwards set to work to disturb the repose of the night.

On the face of the transaction, then, the charge of disorderly conduct against two of the party seems to be demonstrably false.

But one of the party, Mr. Dingle, *was* seized in the street. And why? Not, as has been pretended, for any disturbance, or attempt at disturbance. If this had been the fact, the constables failed in their duty, in almost immediately releasing him. Their conduct, however, shows that they were not men to err in their duty on the side of lenity or indulgence. The plain narrative of facts given by these gentlemen affords the only rational clue to the conduct of the constables. An innocent laugh from one of the party had attracted their attention. Quite unnecessarily, but very peremptorily, they ordered the party to go home. Manifestly, up to that moment, there was no disturbance calling for their arrest, or the arrest of any one of them. A laugh had been heard, and that produced the order to go home. They were, then, on their way home, and, unquestionably, if Mr. Dingle had not been incited, by the offensive manner of the order given them, to ask the constables why they were thus interfered with, no arrest would have been thought of. It was solely because he dared to ask the constables this question that he was seized and violently assaulted and shaken.

It is clear, then, from the circumstances of the case, that the whole charge of disturbance, or disorderly conduct on the part of these gentlemen, or of any one of them, at the period of their encountering the constables in the street, with the charge of intoxication added by way of inducement, is a pure invention, got up to serve an after occasion.

The real and regular arrest of these gentlemen took place subsequently, and at the police station, to which they had resorted on their route to their lodgings to inquire the names of the patrol whom they had encountered, and to give notice of the treatment they had received. And it is manifest enough that it was the apprehension of the consequences of the conduct in which the two constables had indulged, which led to the arrest at this time. Having committed no disturbance in the street, as I have demonstrated, it would be preposterous to suppose that these gentlemen repaired to a police station for the purpose of commencing a disorder there. That no disorder was committed by them between the time of the release of Mr. Dingle and their arrival at the station is perfectly clear, from the fact that no attempt was then made to arrest them, although it appears they were followed by the two constables at no great distance. And the arrest took place, not at their arrival at the station, but as they were leaving it. And what

renders it indisputable that the motive for their arrest was such as I have suggested, is the fact that the whole three were then arrested. Why was this? It is charged that these arrests took place upon "the continuance of the noise, and in consequence of flagrant insults offered to the two functionaries." I have already disposed of the first portion of this allegation. There had been no noise before, and there was none at the station, or on leaving the station. The arrests could not, therefore, and did not, take place for any such reason. Nor did they take place, in reality, in consequence of insults offered to the two functionaries. The only pretence of insult consisted in the use of the word "kerl" by Dr. Ramsey, in his brief narration, at the station, of the affair in the street. It was used by him without the slightest notion that it was a term of insult. Nor was it addressed to the two constables, or uttered in their presence. A small matter this, to be swelled into the grave importance of gross insults offered to the two functionaries! And no arrest took place at the time of uttering this word. The three gentlemen were in the act of leaving the station to go to their lodgings, when they were arrested by those who had followed them, and who came up at that moment. And if the arrest was induced by this pretended insult, why were Mr. Dana and Mr. Dingle arrested? They had said nothing. Yet Mr. Dingle was the first person seized, which was done with a repetition of the same brutal violence to which he had been subjected before in the street. Then Dr. Ramsay was seized, and finally Mr. Dana. It is clear that this pretended insult figures in the affair merely as a convenient make-weight. The true and only motive for the arrests is to be found in the fact that these gentlemen had stopped at the station on their way home, to complain of the original assault on Mr. Dingle. This was their offence, and the whole of it. It was resolved to anticipate that complaint, and prevent its consequences. These police constables dared, for this reason, to abuse the power with which they were clothed, to the monstrous extent of arresting three peaceful and unoffending foreigners, and consigning them to the dark and loathsome cells of a prison used for common vagabonds and felons. They calculated, no doubt, and the result shows, not without reason, on that principle of law quoted by your excellency, which enabled them to perpetrate acts of brutality and oppression, and then, on an *ex parte* and secret investigation, to justify the whole proceeding before the government by their own uncontradicted testimony.

I have already adverted to the declaration in your excellency's letter in regard to the clemency of the magistrate in forbearing to inflict on these gentlemen the full measure of punishment due, in his judgment, to their offence.

If this declaration is to be taken as the true exponent of the state of the law and of criminal justice in Baden, it will be received with no little surprise by the government and people of the United States. It assumes that this magistrate had proceeded, at some time or other—when it is not said—to determine judicially the question of the culpability of these parties, and of the degree of turpitude justly attached to their crime. If he did so, he proceeded to judgment without a trial. He instituted a secret and *ex parte* proceeding, and condemned them,

without their presence, without giving them an opportunity to be heard in their defence, and without allowing them to produce evidence to prove, as they affirm they could readily and easily have done, the entire falsity of the charges against them. How else did this magistrate reach the judicial conclusion that the imprisonment they had endured was too light a punishment for their demerits, and that they deserved an additional and much longer term of imprisonment? What we know is, that there was no open trial; and that in the only interview between them and the magistrate, which bore any resemblance to a judicial investigation—an interview of ten minutes, alleged to have been filled up with acts of petty tyranny and vulgar abuse—they were not allowed to offer explanations, to call witnesses, or in any manner to defend themselves. Does the law of Baden, then, allow of judgments and condemnations to infamous punishments without a trial? I hope it does not. But if it does not, on what ground is it asserted that the magistrate in this case was ready to proceed, and but for considerations of favor and clemency would have proceeded, to inflict on these gentlemen a punishment of many days' imprisonment?

And this declaration is the more extraordinary, when it is considered that two of these gentlemen were, confessedly, not subject to his jurisdiction at all, and were discharged by him from prison expressly on that ground. The other, Dr. Ramsay, not being a student, was not so fortunate; but no open trial was had in his case, any more than in the case of his companions; and when, two hours after their release, he was called before the magistrate, and told he was at liberty to depart, the most charitable construction upon the proceeding and upon the administration of justice in Baden, was that he had been detained in custody solely to give the magistrate an opportunity to satisfy himself, by his enquiries, whether there was matter enough against him to put him upon his trial, and that he was discharged because there was not. It seems, however, that so far from this the magistrate had already, in his own secret counsels, passed sentence of condemnation upon him, and only released him from prison out of clemency!

Reference is made in your excellency's letter to the fact, that Mr. Dana and Mr. Dingle had not in their immediate possession the legitimate evidence of being students of the university, as a reason why they were not more promptly remitted to its jurisdiction. In reply to this I have to state, that there is good reason for saying that the magistrate was sufficiently certified of the fact of their being students, without this technical proof. Mr. Dingle produced to him his receipt for matriculation money. This should have been enough. And as for Mr. Dana, the magistrate knew him personally to be a student, from two previous interviews with him in that capacity—a fact distinctly recognized by him in an interview with Mr. Dana at a later period. At least, if this was not technical enough for a judicial purpose, it should have prevented the magistrate from repeatedly charging Mr. Dana with falsehood in claiming to be a student. But besides all this, what excuse or apology can there be for having sent these two gentlemen back to the loathsome cells of their prison for some hours for want of the technical proof of their being students, when, if he had allowed it to be done, the very proof which he pre-

tended to demand could have been produced to him within ten minutes time.

I repeat to your excellency my exceeding regret at having felt obliged to offer this reply to your letter. To have remained silent would have been to acquiesce in the justice of the decision in the case by your excellency's government. That was impossible. I have not been able to resist the conclusion that great injustice has been done to my countrymen. It was proper that I should so inform you. It is for your government, notwithstanding, to consider its decision in the case as final, if it chooses to do so. In that case, my countrymen must be satisfied with availing themselves, as they will be entitled to do, of this official vindication of their character and conduct, and of the demonstration which the correspondence may afford of the extreme injustice they have suffered at the hand of the authorities, and of the government of Baden.

I seize this occasion, Monsieur le Baron, to offer to your excellency the assurance of my distinguished consideration,

D. D. BARNARD.

His Excellency Baron Von MEYSENBUG, &c.

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No. 120.

*Mr. Barnard to Mr. Marcy.*

[Extracts.]

LEGATION OF THE UNITED STATES,  
Berlin, March 29, 1853.

SIR:       \*       \*       \*       \*       \*       \*       \*

I send also, herewith, a copy of a note received by me from Baron Von Meysenbug in reply to my letter to him of the 14th of March, on the matter of Messrs. Dana, Dingle, and Ramsay. The Baron's note discovers a little irritation, very natural under the operation of my letter.

I have answered in a short note intended to have a mollifying effect, but without yielding anything on the subject matter. A copy of my note is enclosed.

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By reference to my No. 102, (January 31, 1853,) the department will see the informal proceedings taken by me in regard to the matter of religious toleration for the Baptists in Prussia. My dispatch of that date shows the friendly dispositions avowed by the king, in response to my letter addressed to him.

Although this whole matter is out of the strict official limits of diplomatic business, it still possesses great interest for large portions of the people of the United States; and I think it will gratify the department to learn that his majesty has just given a significant proof of the sincerity of his desire, expressed to me at the time in earnest terms, to afford a remedy or relief for every case of just complaint among the Baptists.

A man, by the name of Penner, a colporteur of bibles, had had fines imposed upon him to a large amount, and his scanty effects had been seized. I caused his case to be brought to the notice of the king, through his private secretary, and the gazettes now announce that Penner has been fully pardoned by his majesty, and his property restored to him by a royal order.

I have the honor to be, with the highest respect, your obedient servant,

D. D. BARNARD.

The Hon. WILLIAM L. MARCY,  
*Secretary of State.*

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*Mr. Barnard to Baron Meysenbug.*

LEGATION OF THE UNITED STATES,  
*Berlin, March 26, 1853.*

MONSIEUR LE BARON: I should feel very deep regret if anything which I felt called upon to say in my recent letter to your excellency in vindication of my countrymen, Messrs. Dana, Dingle, and Ramsay, and in the way of criticism on the proceedings of the authorities and government of your country in reference to them, should be thought in the slightest degree discourteous to your excellency, or wanting in manner in proper regard for the favor you had done this legation in consenting to be the medium of communication with your government. On these points I hope it may be enough to assure your excellency, personally, of my most unaffected and constant respect and esteem.

My letter was intended for your government. It was addressed to your excellency, as the original complaint had been, and because it had been confided to you by your government to draw up and address to me the formal response to the reclamation made upon it from this legation. My letter was designed to restate and insist on the complaint as originally presented; to express my dissatisfaction, and the dissatisfaction which I knew my government would feel, with the conclusion which the government of Baden had reached on the subject, and to set forth the grounds of that dissatisfaction. With my undoubting convictions of the wrongs done to my countrymen, I should have failed in my duty to them, and to my country, if I had said one word less in demonstration of the injurious treatment they had received, and in illustration of the unsatisfactory proceedings adopted in regard to their complaint.

But while I have felt it my duty to complain in strong terms, and in no equivocal language, of a particular transaction, it ought not to be inferred that there was any disposition to depreciate the princely virtues of his royal highness the reigning grand duke of Baden, or the proper claim which his government and people may have on the respect of the world. No such disposition existed on my part, and none such could exist, or would be countenanced, on the part of my government.

Since receiving your excellency's note of the 18th instant, I have desired to say thus much by way of explanation.

In reference to the substance of that note, I hope I shall be excused for adding, in conclusion, one or two brief observations.

When a foreigner—a traveller or temporary sojourner—suffers indignities and oppression at the hands of the employees and officers of any country, it is the government of that country itself that must be held responsible. The appeal of the foreigner is properly and necessarily to his own government. It is then an affair between the two governments. Any mere private prosecution of such a complaint is generally impossible, and, when possible, would be almost sure to be useless.

My countrymen abroad are never countenanced by my government in any act of disobedience to laws or of disrespect to authority. If they offend, they must take the consequences. But the offence must be shown, and not assumed. And if they suffer from a manifest perversion of justice or abuse of power, without fault on their part, my government will interpose in their behalf. In such a case a better justification is required to satisfy than has been offered in this instance.

I am quite prepared and happy to believe that the case which I have had occasion to bring to the notice of your excellency's government is an exceptional one, and that ordinarily strangers in Baden are treated with hospitality and kindness, and have no occasion to complain of such occurrences as those in which my countrymen were involved. Perhaps it might be thought there was the more reason, therefore, why this complaint should have been met in a different spirit.

I seize, with much pleasure, this occasion to renew to your excellency the assurance of my high consideration.

D. D. BARNARD.

His Excellency BARON VON MEYSENBUG, &c.

[Translation.]

*Baron Meysenbug to Mr. Barnard.*



BERLIN, March 18, 1853.

SIR: I have had the honor to receive, last evening, your letter of the 14th of this month, in which your excellency speaks to me again of the matter concerning Messrs. Dana, Dingle, and Ramsay.

It is impossible for me to conceal the astonishment that this reply to my letter of the 4th of February has caused me. By my answer, I had thought to have both obliged your excellency and cleared up facts which had been represented in a false light. I see, with regret, that I was mistaken.

I have, therefore, but few words to say. We are both of us unable to speak of occurrences which took place at Heidelberg otherwise than on the strength of what has been transmitted to us from other persons. The only difference is, that you bring forward information which has been submitted to you by your own countrymen, that is to say, by the very persons who are accused of infraction; whereas I argue from depositions made by sworn functionaries, acting in reference to the discharge of their public duties.

If your countrymen are able to prove that all these functionaries have knowingly acted in violation of their duties, let them furnish the competent authority with the necessary means to show the abuse of power committed upon their persons. I do not hesitate one moment in giving the most formal assurance that my government will not delay in doing justice in the premises and to punish the culprits. All that I ask is, that the steps taken in future, in order to establish the truth, shall not be through the medium of a correspondence between us, but shall be taken at Heidelberg, and under the advice of a lawyer, whom your countrymen shall select at their pleasure among the advocates or other jurists of the country.

If such had been the course pursued by those gentlemen, from the the commencement, perhaps your excellency would not have been driven to pass censure upon our laws as you have done. Our laws may be imperfect; it is the fate of the laws of all countries. But what is certain, and what your excellency might have spared me from reminding you, is, that the laws which are in force, and as long as they continue to exist, must be executed as they are, and in all cases provided for. Each year thousands and thousands of foreigners come to pass some time in my country; I have never yet heard that our authorities have descended to use violence against them; I never believed that foreigners would be astonished on being punished, if they find themselves in contravention of existing laws. If those three gentlemen think otherwise, they are free to fly from a country where we are sufficiently behind the age to think that the first guaranty of individual liberty is obedience to the laws and respect for authority.

I avail myself with pleasure of this occasion to renew to your excellency the expression of my highest consideration.

BARON DE MEYSENBUG.

To his Excellency Mr. BARNARD, &c.





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